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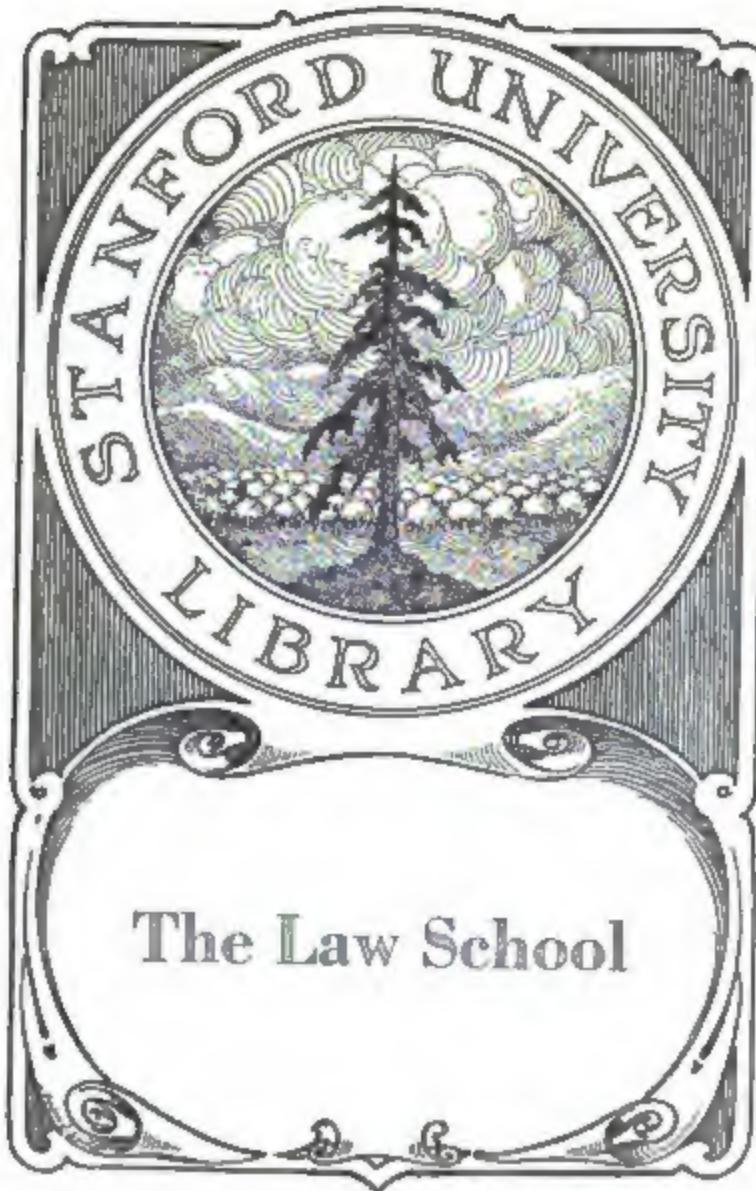
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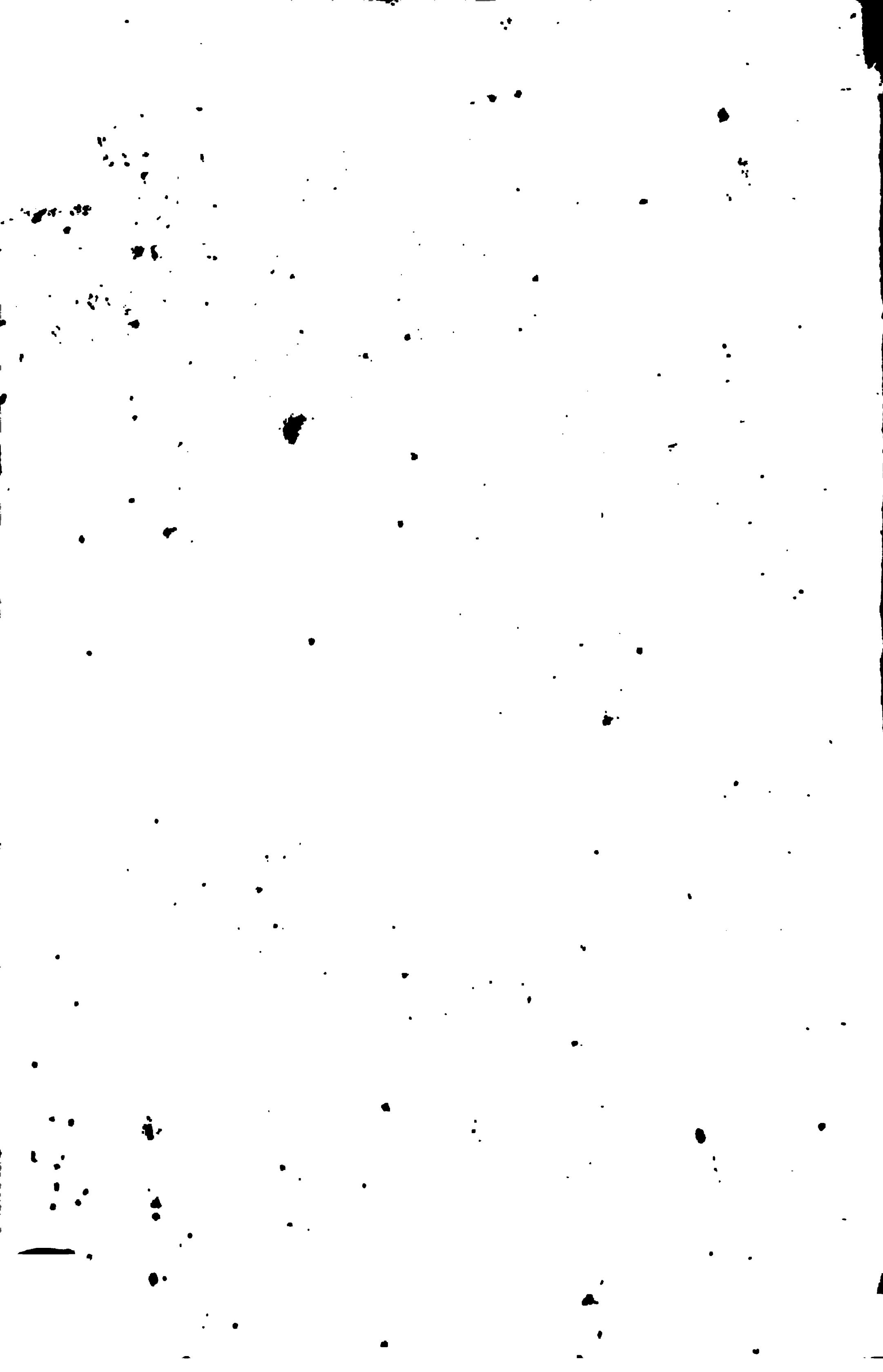
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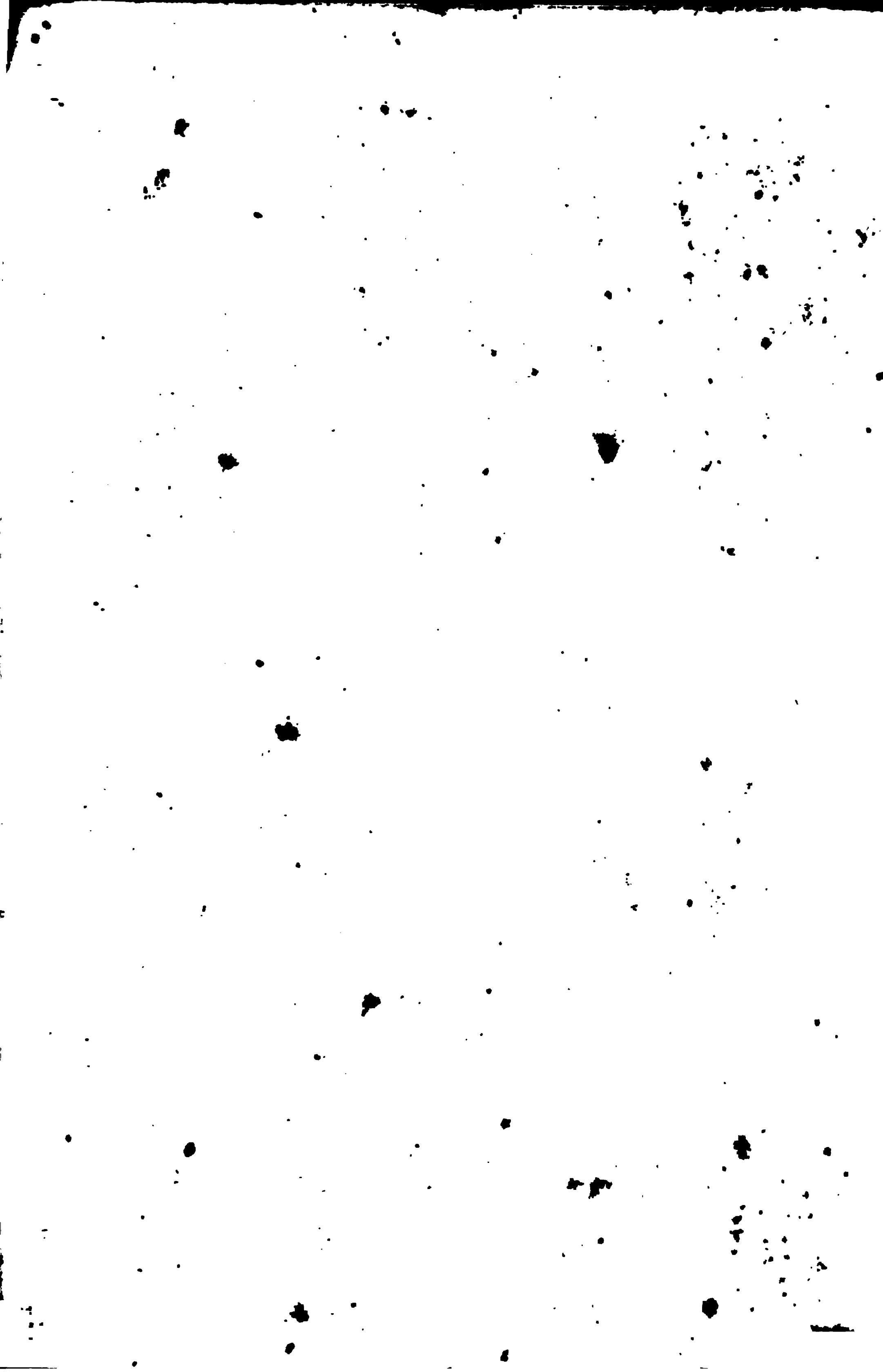
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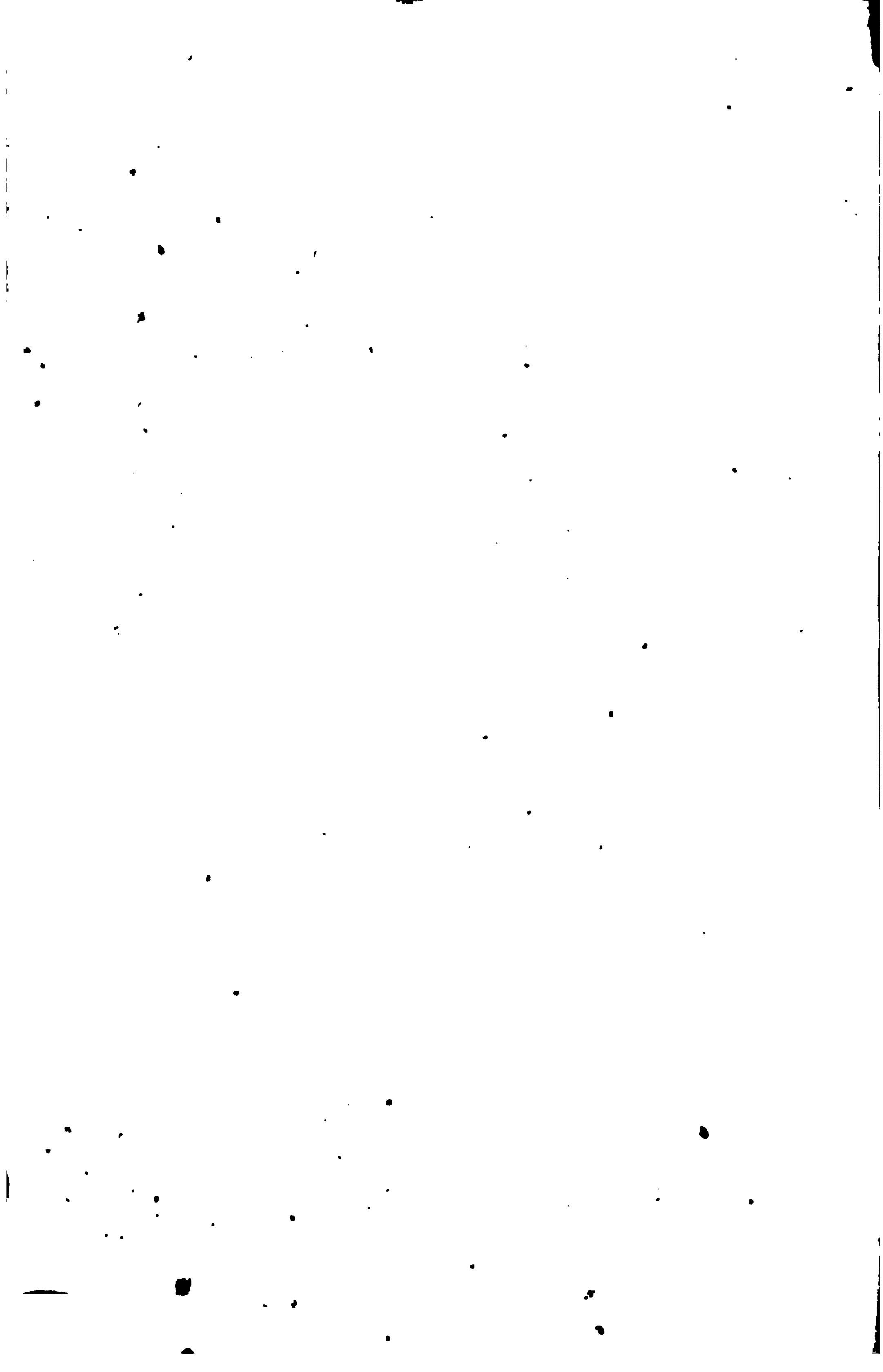
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Kentucky Collection







A C T S

OF

THE GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY,

==

PASSED

AT THE SESSION WHICH WAS BEGUN AND HELD IN THE CITY OF FRANKFORT, ON MONDAY, THE 31ST OF DECEMBER, 1855, AND ENDED MONDAY, THE 10TH OF MARCH, 1856.

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PUBLIC ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE SESSION WHICH WAS BEGUN AND HELD IN
THE CITY OF FRANKFORT, ON MONDAY, DECEMBER
31, 1855, AND ENDED MONDAY, MARCH 10, 1856.

CHARLES S. MOREHEAD, GOVERNOR; JAMES G. HARDY, LIEUTENANT GOVERNOR AND SPEAKER OF THE SENATE; JOHN B. HUSTON, SPEAKER OF THE HOUSE OF REPRESENTATIVES; MASON BROWN, SECRETARY OF STATE.

CHAPTER 2.

AN ACT to change the time of holding the February term of the Mason Circuit Court.

1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, approved March 9, 1854, providing for additional terms of the Mason Circuit Court, as requires the holding of said court on the third Mondays in February in each year, be and the same is hereby so amended as to require said court to commence on the first Mondays in February in each year, and continue three

Time of holding February term of Mason Circuit Court changed.

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(a) See chapter 158, dividing the State into thirteen judicial districts; and chapter 30, regulating the time for holding courts in the several counties thereof.

1856.

weeks, as now provided by law, if the business of the court require it.

§ 2. That this act shall take effect from its passage.

JOHN B. HUSTON,

Speaker of the House of Representatives.

JAMES G. HARDY.

Speaker of the Senate.

Approved January 9, 1856.

C. S. MOREHEAD.

By the Governor:

MASON BROWN, *Secretary of State.*

CHAPTER 12.

AN ACT to legalize the proceedings of the February term, 1852, of the Casey County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Proceedings of
Casey County
Court legalized.

That the acts and proceedings of the County Court of Casey county, held on the second Monday in February, 1852, be and the same are hereby legalized; and all the acts, orders, and proceedings of said court, either ministerial, executive or judicial, are hereby declared to be of the same force and effect as if the said court had been held on the fourth Monday in said month, the time then required by law for the holding of said court.

Approved January 14, 1856.

CHAPTER 14.

AN ACT to amend section nine hundred of the Code of Practice in civil cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 900 of
Civ. Code amend-
ded.

That hereafter, before a petition for a re-hearing shall have the effect to suspend the decision or mandate of the Court of Appeals, as provided in section nine hundred of

(a) The section of the Civil Code amended is as follows: "§ 900. The court of appeals may make rules for the convenient dispatch of business, the preservation of order, the argument of cases or motions, the manner and time of presenting motions or petitions for re-hearing, the time of issuing its mandates and decisions, and mode of enforcing its mandates and orders, and may change the same; provided that no mandate shall issue, or decision become final, until after fifteen juridical days from the time the decision was rendered, not including the days of recess, unless the court, in delay cases, and in cases involving no difficult question of law or fact, otherwise direct. And if a petition for re-hearing shall be filed in vacation, within fifteen days after the decision is rendered, the mandate shall not issue, nor the decision become final, until the court, at a subsequent term, shall so order."

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the Code of Practice in civil cases, it shall be filed during the term of said court at which such decision or mandate was rendered, or shall, within fifteen days after the adjournment of said court or the expiration of said term, be presented to one of the Appellate Judges, and by him ordered to be filed, and the decision or mandate therein rendered suspended until the tenth day of the next succeeding term of said court.

1856.

Approved January 14, 1856.

CHAPTER 15.

AN ACT to facilitate the trial of equity causes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That in equity actions any person, a party thereto, may take the deposition of any other person or party to the action, or of any non-resident, without any previous order authorizing the same, subject to legal exceptions to the competency of the witness and the legality of the evidence.

Depositions of non-residents and parties to an equitable action may be taken without leave of the court.

Approved January 14, 1856.

CHAPTER 21.

AN ACT to change the time of holding the County Courts of Oldham county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Courts of Oldham county be held on the third Monday in each month, instead of the time now fixed by law; and this act to take effect from its passage.

Oldham county court, time of holding changed.

Approved January 17, 1856.

CHAPTER 22.

AN ACT to regulate the time of holding the Carroll County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a County Court shall be held in the court house in the county of Carroll, by the officers whose duty it is to hold said court, on the first Monday in each month of the year, excepting in the month of August; and that said court shall be held on the second Monday in that month.

Carroll county court, time of holding.

§ 2. That the Court of Claims for said county shall be held on the first Monday in December in each year, instead of the time heretofore provided by law; and that the Sheriff shall report his list of delinquents, in the collection

When court of claims to be held.

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1856.

of the county levy and revenue tax, to said Court of Claims, while the Justices of the Peace are sitting in conjunction with the Presiding Judge of the County Court.

Approved January 19, 1856.

CHAPTER 27.

AN ACT to establish the county of Rowan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. That from and after the first day of May, 1856, so much of the counties of Fleming and Morgan as lies within the following boundary, shall be and the same is hereby erected into and established a separate and distinct county, to be called the county of Rowan, viz: Beginning at the Elk Lick on the Licking river, near Fielding Cooper's, in Fleming county; running thence up the Licking river to the mouth of the north fork of said river, in Morgan county; thence up said north fork of said river to the mouth of a creek called Miner's creek; thence up said creek to the mouth of a branch running by the residence of Jedediah Day; thence up the said branch to the head thereof; thence down a creek called Laurel creek, to the mouth of Bates' branch; thence with the ridge, east of Bates' branch, to the head of the twin branches of Caney creek; thence with the ridge, between said twin branches of Caney creek, to the line of Carter county; thence with said boundary line of Carter county to the boundary line between Carter and Fleming counties; thence with said boundary line, between Carter and Fleming counties, to the point at which the boundary lines of Carter, Lewis, and Fleming intersect each other; thence with the boundary, between Fleming and Lewis counties, to the head of the east fork of Fox's creek; and thence with the dividing ridge, between the waters of Fox and Triplett creeks, to the beginning.

Seat of justice.

§2. The seat of justice for Rowan county shall be, and the same is hereby, located on the east fork of Triplett's creek, at a point to be agreed upon by the commissioners hereinafter appointed, between the residences of Dixon Clack and B. F. Powers, in said county; and the name of said seat of justice shall be Morehead. Harvey T. Wilson, William Mynhier, George W. Crawford, Mason Williams, and William Grannis, a majority of whom may act, are hereby appointed commissioners to locate said seat of justice. Said commissioners shall meet at the residence of Dixon Clack, on the first Monday of March, 1856, whence they shall, if necessary, proceed to make an examination of the ground between the residences above named, and shall perform the duties herein assigned to

To be called Morehead.

Commissioners and their duties.

them, and execute and sign a written certificate of the same in duplicate—one of which duplicates shall be transmitted by them to the Secretary of State, and the other shall be deposited in the hands of E. H. Logan or B. F. Powers, who shall deliver the same to the Clerk of the County Court of Rowan county, whose duty it shall be to record the same in his office. The duplicate sent to the Secretary of State shall be carefully preserved by him in his office.

1856.

§ 3. The county of Rowan shall be divided into four districts, in each of which there shall be elected two Justices of the Peace, and one Constable, which districts shall also be election precincts; Dixon Clack, Isaac E. Johnson, B. F. Powers, William Phillips, T. W. Sandford, and M. C. Royse are appointed commissioners, who, after taking an oath faithfully to discharge their duties as such, shall lay off said districts, and designate the place of voting in each; a majority of said commissioners may act. They shall meet at the residence of Dixon Clack, on the first Monday in March, 1856, or as soon thereafter as may be convenient, and proceed to perform the duties imposed upon them by this act, and may adjourn from time to time and from place to place until they shall complete the same. They shall lodge a certified copy of the boundaries of said districts in the hands of E. H. Logan or Ben. F. Powers, who shall hold the same in safekeeping until a Clerk of the County Court for said county shall have been elected, and then it shall be delivered to said Clerk, who shall file and record the same in his office; and they shall forthwith transmit another certified copy thereof to the Secretary of State, who shall carefully preserve the same in his office. They shall also designate, in each of said districts, two suitable persons to act as Judges, and one in each to act as Clerk, and one in each to act as Sheriff of the election of a Circuit Court Clerk, a County Court Clerk, a Sheriff, an Assessor, a Surveyor, a Jailer, a Coroner, a Presiding Judge of the County Court, and a County Attorney; also for two Justices of the Peace and one Constable for each district for said county, which election shall be held on the first Monday in May, 1856. Before entering on their duties, respectively, each Judge, Sheriff, and Clerk of the election, so designated, shall take an oath faithfully to discharge the duties imposed on them by this act. Those who may act as Sheriffs, aforesaid, shall meet at the residence of Dixon Clack, in the county of Rowan, on the second day after said election, and after carefully comparing the polls, shall sign two certificates of the election, designating the name of each person having the highest number of votes, and the office to which he shall have been elected, one of which shall be lodged in the hands of said E. H. Logan or B. F. Powers, who shall cause it to be recorded in the

Number of
districts, justices
and constables.

Clerks and other
county officers to be elect-
ed 1st Monday
of May.

1856.

Certificates of
election, and
commissions
to issue.Officers to ex-
ecute bonds, &c.The jurisdic-
tion of Fleming
and Morgan re-
tained.County Court
to provide for
the erection of
public buildingsBoundary lines
to be run.Rowan coun-
ty attached to
35th district.

clerk's office of the County Court of Rowan county, and the other of which they shall forthwith transmit by mail, or otherwise, to the Secretary of State, where it shall be carefully preserved, whose duty it shall be, forthwith, to cause commissions to be issued to those persons named in the certificate, to each for the office to which he shall have been elected.

§ 4. Each of said officers shall take an oath, and, when by law required, execute bond according to existing laws, in reference to similar officers; and, thereupon, their official acts shall be obligatory, to all intents and purposes, if done in accordance with the laws of this State. They shall hold their respective offices until the next regular election for like officers, and until their successors shall have been elected and qualified: *Provided*, That the Sheriff so elected, shall hold his office for the term of two years, and until his successor shall be elected and qualified.

§ 5. The counties of Fleming and Morgan, before this act takes effect, shall have jurisdiction in all things, as though this act had not been passed.

§ 6. The Presiding Judge of the County Court and the Justices of the Peace of said county of Rowan, a majority of said Justices being present, shall be and they are hereby authorized and required to make suitable selection of lots or parcels of ground at the place selected and determined upon for the seat of justice of said county, and purchase, or accept the same on donation, if tendered by the owner or owners thereof, for the erection of public buildings, for the seat of justice for said county; and it shall be the duty of said County Court to make provision for the payment of the purchase money of said lots or parcels of land, and cause a suitable Court House and jail, and such other public buildings as they may think proper, to be erected at the expense of said county. The means for these public conveniences may be raised by a capitation tax on all those persons in said county subject to capitation tax by existing laws: *Provided*, That said tax shall not exceed two dollars per head in any one year.

§ 7. That William A. Kendall be and he is hereby appointed a commissioner, with such assistants as he may deem necessary to employ, to run and mark the division line as designated in section first of this act. The County Court shall have power to allow all the commissioners named in this act reasonable compensation for their services and expenditures, in discharging the duties herein imposed upon them, to be paid out of the county levy of said county of Rowan.

§ 8. Said county of Rowan shall vote for Senator in the State Legislature with the thirty-fifth Senatorial district, and for county Representatives with the county of

Fleming, until changed by law; and the Sheriffs of said counties, in all such elections, shall compare the polls of said counties as prescribed by law.

§ 9. The County Court of said county of Rowan shall hold its monthly sessions on the third Monday in every month, and the judge thereof shall hold his Quarterly Courts on the third Mondays in March, June, September, and December.

§ 10. That the Secretary of State be and he is hereby directed to furnish to said county of Rowan, or the officers thereof, all the public books and statutes which are now directed by law to be furnished to the public officers of this Commonwealth.

§ 11. That the county of Rowan shall have the use of the jail of Fleming county, until a jail be built in said county of Rowan, and the Jailer of Fleming county shall receive all persons committed from Rowan county, in the same manner as if committed from Fleming county.

1856.

Time of holding the County Courts

Books to be furnished to officers

To have the use of the Fleming county jail

Approved January 19, 1856.

CHAPTER 34.

AN ACT prohibiting Magistrates from taxing Attorneys' fees.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Justices of the Peace shall not, and are hereby prohibited from taxing an Attorney's fee in the costs against unsuccessful litigants in all cases that may hereafter be tried before them.

Justices of peace not to tax an attorney's fee.

(a)

Approved January 19, 1856.

CHAPTER 39.

AN ACT for the benefit of the Keeper of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Keeper of the Penitentiary be authorized to procure sufficient quantity of bedding as may be necessary for the comfort of the prisoners in that institution.

Penitentiary-keeper to provide beds for the prisoners.

Approved January 21, 1856.

(a) This act repeals section 37, of chapter 25, of Revised Statutes, title, "Costs," page 208, which the Court of Appeals construed as authorizing the taxation of an attorney's fee in trials before Justices of the Peace.

LAWS OF KENTUCKY.

1856.

McCracken Co.
Two additional
terms of the
Circuit Court.

Election of
pro tem. judges
apply to these
terms.

Personal rep-
resentative may
resign the trust
after settling his
accounts.

Security of any
personal repre-
sentative may
rule his principal to give a
new bond. If
he fail, the court
may remove
him and appoint
another.

CHAPTER 43.

AN ACT to establish two additional terms of the McCracken Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That two additional terms of the McCracken Circuit Court, be and the same are hereby established, with civil and criminal jurisdiction as now exists by law; the first term to commence on the third Monday in February, 1856, and to continue twelve juridical days; and the other to commence on the third Monday in August, 1856, and continue twelve juridical days, if the business of the court shall require; and upon the same days annually thereafter.

§ 2. The law now in force applicable to the election of *pro tem.* judges, and their duties, shall apply to the terms created by this act.

§ 3. This act shall take effect from and after its passage.

Approved January 21, 1856.

CHAPTER 44.

AN ACT to amend the law in relation to Executors, Administrators, and Curators.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter, when any personal representative may wish to resign his trust, he shall first settle his accounts as such. He shall then apply to the court in which he qualified, and, thereupon, said court shall accept his resignation, order him to be removed, and appoint another in his place, to whom the court shall order the estate of the decedent to be delivered.

§ 2. Hereafter when the security of any personal representative wishes to be released, as such, he shall apply to the court in which he entered as security, having first given his principal reasonable notice of his application. The court shall, thereupon, rule the personal representative to give a new bond, with sufficient security; if he fail to do so, shall remove him and appoint some other person in his place. The court shall require the personal representative so removed to settle his accounts and de-

(a) Subsequent to the passage of this act, (chapter 158,) an act was passed, approved February 15, 1856, dividing the State into thirteen judicial districts; and on the 5th day of March, 1856, another act was passed, (chapter 341,) fixing the times for holding the courts in each judicial circuit, which fixes the terms of the McCracken Circuit Court the third Mondays of April and October; and by an act, approved March 4, 1856, (chapter 332,) the time for holding the Criminal and Equity Courts of McCracken county, are fixed the 4th Mondays of January and July of each year. These subsequent acts take effect after the first Monday of August, 1856.

LAWS OF KENTUCKY.

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liver over the decedent's estate to the person appointed in his stead.

§ 3. If a personal representative shall give a new bond, when ruled to do so by the court, his former security shall not be bound for any act of his thereafter. And when a personal representative is removed, as provided for in the preceding section of this act, the court shall have power to make such other orders, for the release of the security and the benefit of the decedent's estate, as may be just and proper.

1856.

If a new bond is given, former surety released.

Additional orders may be made.

(a)

Approved January 21, 1856.

CHAPTER 57.

AN ACT to change the time of holding the January term of the Fleming Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, a term of the Fleming Quarterly Court shall be held, commencing on every fourth Monday in December, and continuing as long as the business thereof may require, and after the present January term of said court, there shall no longer be a January term thereof; and any law now in existence to the contrary shall thereafter be repealed.

Time of holding Fleming Quarterly Court.

Approved January 25, 1856.

CHAPTER 61.

AN ACT to change the 32d chapter, 2d article, 3d section of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That chapter thirty-two, article two, section third, of the Revised Statutes, be so changed that, from and after the passage of this act, it shall be lawful for the County

Amendments to law relating to elections. Rev. Stat. 184. (b)

(a) This act is in effect an amendment to sections 12 and 13, of article 2, chapter 37 of Revised Statutes, pages 336 and 337.

(b) The section changed reads: "§ 3. Districts for the election of Justices of the Peace and Constables, election precincts, and places of voting, may be changed by the County Court in the month of January or February next preceding the regular time of electing Justices of the Peace, on the petition of a majority of the voters of each district or precinct to be affected by the change; and when any such change is so made, the Sheriff shall cause the same to be advertised at the places of voting in each precinct affected by the change, for two weeks preceding the next election. If, for any good cause, an election cannot be held at the house appointed as the place of voting, the judges of the election may, on the morning of the election, adjourn it to the most convenient place, after having publicly proclaimed the change."

"That section 3d of article 2, title "Precincts, &c." chapter 32d, title "Elections," of the Revised Statutes, be and the same is hereby so amended as to authorize the County Court any time sixty days before an election, to change the lines in any election precinct, so as to transfer any voter or voters from one precinct to another, upon the petition of the voter or voters so changed, if it shall seem right and proper to the court.—Acts 1853-4, chap. 509.

1856.

Courts to change the election precincts and places of voting in their respective counties, at any time, upon the petition of a majority of the voters of the precinct, or twenty days notice posted up by the Sheriff or Constable of the county at three of the most public places in the precinct to be affected by the change: *Provided*, That no change shall be made within sixty days next preceding an election.

Approved January 25, 1856.

CHAPTER 72.

AN ACT to amend chapter 42 of the Revised Statutes, title "Gaming."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Penalty for
gaming in a
house, &c.,
without consent
of occupier.

Definition of
common gam-
bler. Sections
12 and 13, chap.
42. Rev. Stat.
309.

Rev. Stat. (6).

Penalty for
permitting mi-
nors to bet mo-
ney at faro bank.

Penalty for
gaming on pub-
lic highway.
See Rev. Stat.,
title "gaming."

§ 1. That if any person or persons shall, in any house, boat, float, tenement, or premises, without the permission of the owner, controller, occupier, or tenant of any such house, boat, float, tenement, or premises, engage in any hazard or game in which money or property is bet, won, or lost, such person or persons shall be subject to a fine of not less than twenty, nor more than one hundred dollars; and shall, moreover, be liable to the owner, controller, occupier, or tenant of any such house, boat, float, tenement, or premises, for all damages and costs, legal and extraordinary, which he or she may sustain in consequence thereof.

§ 2. That if any person or persons shall engage in gambling for a livelihood, such person or persons shall be held and taken to be a common gambler, and shall be dealt with as now prescribed by law.

§ 3. That the last subdivision of section seven of the chapter to which this act is an amendment, shall apply to prosecutions under the tenth section of said chapter.

§ 4. That if any owner of a faro bank, or gaming table, shall knowingly permit any one under the age of twenty-one years, to bet any money at his said bank or table, he shall be deemed guilty of a highly penal offense, and upon conviction thereof, shall be fined and imprisoned in the discretion of a jury.

§ 5. That whoever shall engage in any game of chance upon the public highway, at which money or property or other thing of value shall be won or lost, shall, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars.

Approved January 28, 1856.

CHAPTER 81.

1856.

AN ACT to change the time of holding the Rockcastle Circuit Court.*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the spring term of the Rockcastle Circuit Court, shall commence on the last Monday in February, and continue twelve juridical days, if the business of said court require it; and the fall term of said court shall commence on Wednesday after the first Monday in August, and continue ten juridical days, if the business of said court require it. That this act shall take effect from its passage.

Terms of Rock-
castle Circuit
Court
(*)

Approved February 5, 1856.

CHAPTER 82.

AN ACT to change the time of holding the Graves, Livingston, and Crittenden Circuit Courts.*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That hereafter the Graves Circuit Court shall commence on the second Mondays in June; the Livingston Circuit Court on the fourth Mondays in June, and the Crittenden Circuit Court on the second Mondays in January and third Mondays in July, and continue in each of said counties twelve juridical days, if the business require it.

Time of holding
Circuit Courts in
Graves, Living-
ton, and Critten-
den counties.
See chap. 341.

§ 2. This act shall take effect from its passage.

Approved February 5, 1856.

CHAPTER 83.

AN ACT imposing an additional tax of three cents, for the purpose of increasing the common school fund.*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That an additional tax of three cents, be and the same is hereby imposed, for the year 1856, and each succeeding year, upon each one hundred dollars in value of property in this State, for the purpose of increasing the common school fund.

Additional tax
for schools.

§ 2. That said tax shall be levied, collected, paid over, and appropriated for the benefit of common schools, as the tax of two cents, heretofore imposed, is directed to be levied, collected, paid over, and appropriated.

Approved February 5, 1856.

(*) See chapter 341, fixing the times for holding the several Circuit Courts, to take effect after the first Monday in August, 1856.

1856.

Time of holding Quarterly Courts in Crittenden county.

Quarterly Courts in Campbell.

Jurisdiction of Justices to fine surveyors of highway, repealed and given to Circuit Courts. Sub-sec. 3, of sec. 10, of Crim. Code. Rev. Stat. 587, sec. 30.

CHAPTER 89.

AN ACT to change the time of holding the Crittenden Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the terms of the Quarterly Courts of Crittenden county shall be held hereafter on Tuesday after the second Monday in March, June, September and December, and continue from day to day until the business of the court is disposed of: *Provided*, That the first regular term occurring after the passage of this act shall be held at the time now fixed by law. This act shall take effect from its passage.

Approved February 5, 1856.

CHAPTER 90.

AN ACT to change the time of holding the Campbell Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Quarterly Courts for the county of Campbell, shall hereafter be held on the second Mondays of January, April, July and October, and may adjourn from day to day at such term until the business thereof is completed: *Provided*, This law shall not effect nor change the term of the Quarterly Court already established in the city of Newport. This act to take effect on the second Monday of July next, any law to the contrary notwithstanding.

Approved February 5, 1856.

CHAPTER 101.

AN ACT to amend the Road Laws of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the tenth section of the Code of Practice in criminal and penal causes, as gives Justices of the Peace exclusive jurisdiction over surveyors of public roads, &c., be and the same is hereby repealed. And that hereafter the Circuit Courts of this Commonwealth shall have jurisdiction, by the presentment of a grand jury, to fine surveyors of public roads for failing to keep them in good repair, in any sum not less than two dollars and fifty cents, nor exceeding ten dollars.

§ 2. That this act take effect from and after the 10th day of February next.

Approved February 5, 1856.

CHAPTER 102.

1856.

AN ACT requiring County Judges to make settlements with the Trustee of the Jury fund, for all taxes and public moneys in their hands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Judges of the several County Courts of this Commonwealth shall, at each fall term of the Circuit Court for each county, make a settlement, under oath, with the trustee of the jury fund of each county, of all taxes, fines, forfeitures, and other public moneys in his hands or under his control, and pay the same over to said trustee, after deducting five per cent. on the whole amount for his compensation.

County Judges
to make settle-
ments with trust-
ees of jury fund
(a)

§ 2. Said trustee of the jury fund shall receive and disburse the same, and make true account thereof in his settlements as now required by law.

§ 3. This act to take effect from and after its passage.

Approved February 5, 1856.

CHAPTER 112.

AN ACT declaring Wolf creek, in Lawrence county, a navigable stream

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Wolf creek, in Lawrence county, for a distance of five miles from its mouth, be and the same is hereby declared a navigable stream.

Wolf creek
navigable.

Approved February 9, 1856.

CHAPTER 115.

AN ACT appropriating money for the preparation of Registration reports and tables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of five hundred dollars be allowed Wm. L. Sutton for making out registration reports for 1854 and 1855, and superintending the preparation of the tables of the same; and the sum of four hundred and fifty dollars be allowed James Y. Kelly, and the like sum be allowed William T. Shepherd, for preparing registration tables for the years 1854 and 1855. Said sums to be paid out of the Treasury on the warrant of the Auditor of Public Accounts.

Registration
tables—allow-
ance for making

Approved February 9, 1856.

(a) Section 10, of article 6, chapter 55, of Revised Statutes, page 4 6, required the settlement with the trustees of the jury fund to be made by the Attorney for the Commonwealth. The above act substitutes the County Judge.

1856.

CHAPTER 116.

AN ACT for the benefit of the Kentucky Institution for the Education of the Deaf and Dumb.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of ten thousand dollars, be and the same is hereby appropriated to the trustees of the Kentucky Institution at Danville, for the deaf and dumb, to enable them to complete the buildings now in progress of erection, which, when drawn, shall be in full for all aid on the part of the State, for building purposes, and in the opinion of the trustees amply sufficient, pledging themselves to make no further call upon the State for aid in the prosecution of said work; for which sum the Auditor is authorized to draw his warrant upon the treasury in one or more installments, as the Governor, for the time being, may direct, payable out of any money in the treasury not otherwise appropriated.

Approved February 9, 1856.

Deaf and dumb
asylum—appropriation to finish
building.

Times for holding
County and Quarterly Courts
of McCracken
county.

CHAPTER 134.

AN ACT to change the time of holding the February and August terms of the M'Cracken County and Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Courts and Quarterly Courts of M'Cracken county, shall hereafter be held on the first Mondays in February and August, instead of the third Mondays, as now prescribed by law.

§ 2. This act shall take effect from its passage.

Approved February 9, 1856.

CHAPTER 146.

AN ACT to legalize the proceedings of a special term of the Harlan County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the proceedings of a special term of the Harlan County Court, held the 15th January, 1856, at which the office of Clerk of said Court was temporarily filled to supply the vacancy occasioned by the death of William Cawood, former Clerk, be and the same hereby is legalized; and the Clerk appointed at said special term may hold said office until the time fixed by the existing laws for electing a Clerk.

§ 2. This act shall be in force from its passage.

Approved February 9, 1856.

Harlan County
Court—proceedings legal-
ized.

CHAPTER 148.

1856.

AN ACT reserving power to amend or repeal Charters and other Laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all charters and grants of, or to corporations, or amendments thereof, and all other statutes, shall be subject to amendment or repeal at the will of the Legislature, unless a contrary intent be therein plainly expressed: *Provided*, That whilst privileges and franchises so granted may be changed or repealed, no amendment or repeal shall impair other rights previously vested.

Charters and grants to corporations subject to be repealed.

§ 2. That when any corporation shall expire or be dissolved, or its corporate rights and privileges shall cease by reason of a repeal of its charter or otherwise, and no different provision is made by law, all its works and property, and all debts payable to it, shall be subject to the payment of debts owing by it, and then to distribution among the members according to their respective interests; and such corporation may sue and be sued as before, for the purpose of settlement and distribution as aforesaid.

Provisions respecting corporations dissolved or repealed.

§ 3. That the provisions of this act shall only apply to charters and acts of incorporation to be granted hereafter; and that this act shall take effect from its passage.

Applicable to future grants only.

Approved February 14, 1856.

CHAPTER 151.

AN ACT to establish the People's Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

§ 1. That there shall be, and is hereby established, in the town of Bowlinggreen, Warren county, Kentucky, a bank, by the name of "The People's Bank of Kentucky," with a capital stock of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, and subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified; which subscribers, shareholders, their successors and assigns, shall be, and are hereby, created a body politic and corporate, by the name and style of the President, Directors, and Company of the People's Bank of Kentucky, and shall so continue until the 1st day of January, 1886; and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, defend and be defended, in all courts or places, and in all matters whatsoever, as natural persons, with full power and authority to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and

Capital stock.

Body politic and corporate, and corporate powers.

LAWS OF KENTUCKY.

1856.

May make by
laws, &c.

Where located.

Objects of cor-
poration.

Not to deal in
kites.

dispose of all such real estate, goods, effects, and chattels, as shall be necessary and convenient, for the transaction of its business, or which may be conveyed to said bank as collateral security for, or received in payment of, any debt which may become due or owing to the bank, or which may be conveyed or purchased, in satisfaction of any judgment of a court of law, or any order or decree of equity in their favor; and may have and use a common seal, and alter, change, or renew the same at pleasure; and may make, ordain, and establish, and put in execution, such by-laws, ordinances, rules, and regulations, as may be necessary and proper for the good government of said bank, and the prudent and efficient management of its affairs: *Provided*, The same shall not be in any wise contrary to the constitution and laws of this State or of the United States.

§ 2. That said bank shall have and keep an office of discount and deposit in the town of Bowlinggreen, Warren county, Kentucky, and at no other place, where its banking business shall be transacted, and its books of accounts, journals, and records shall be kept; and it shall be lawful for said bank to loan money, deal in exchange, and to discount bills of exchange, promissory notes, and other negotiable paper, for the payment of a certain sum of money: *Provided*, That said bank shall not charge any rate of discount greater than six per cent. per annum: *Provided, however*, Said bank shall at no time charge a greater rate of exchange than the one-half of one per cent. on bills made payable in the State, nor more than one per cent. exchange on bills made payable out of the State: *Provided, further*, That this bank shall not at any time buy or deal in that description of bills known by the name of kites; and should the officers of said bank, under any pretence whatever, do so, knowing them at the time to be such, said bill shall be void and not collectable by law or otherwise, and the bank shall be subject to all the other penalties affixed by this charter for a violation of the same; also, to issue bills or bank notes, payable to bearer on demand, at its office of discount and deposit; also, to draw and issue post notes, bills of exchange, on individuals, companies, or corporations, payable to order, and at such place and time as the directors, for the time being, may deem expedient: *Provided*, That it shall not be lawful for said bank to issue any bill or bank note, payable to bearer, of a less denomination than one dollar. The promissory notes made payable to any person or persons, and negotiable and payable at the People's Bank of Kentucky, and indorsed and discounted by said bank, shall be and they are hereby placed on the same footing as foreign bills of exchange, so that the like remedy may be had jointly or severally, against

the drawer or drawers, and indorser and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity, or priority of payment, than any other promissory notes. The bank shall not directly or indirectly deal or trade in anything except bills of exchange, gold or silver bullion, or in the sale of goods and chattles, rights and credits, really and truly pledged for money lent, and not redeemed in due time, or goods which shall be the proceeds of its lands.

§ 3. That said bank shall not at any time owe, whether by bond, bill, note or other contract, an amount exceeding twice the amount of capital stock paid in, exclusive of sums due on deposit. That said bank shall not, at any time, suspend, fail or refuse payment, in gold or silver, of any of its notes, bills or other obligations, due and payable, or any moneys received on deposit; and in case the officers, at the office of discount and deposit of said bank, shall fail, refuse or unreasonably delay payment, in gold or silver, of any note or bill of said bank, there presented for payment during usual banking hours, or the payment of any money previously deposited therein, and there demanded by any person or persons entitled to receive the payment of the same, said bank shall be liable to pay as additional damages, at the rate of twelve per cent. per annum, on the amount thereof, from the time of such failure, refusal or delay, until the payment thereof; and for such failure, or refusal, as well as for a violation of any of the provisions of this charter, the same shall be forfeited by a *scire facias* sued out in the name of the commonwealth of Kentucky, on the motion of the attorney for the commonwealth, or attorney general, and such proceedings had, as to declare such forfeiture, by the judgment of the court; and from and after the rendition of such judgment of the forfeiture, said corporation shall cease to exercise any of the powers or privileges granted in this charter, provided that such forfeiture shall not be so construed as to prevent said bank from suing and being sued, and continuing said corporation, for the purpose of closing its concerns, and from making all contracts, that may be necessary and proper for that purpose.

§ 4. That the business, property, and management of said bank shall be under the direction and control of five directors, who shall be stockholders three months previous to the election, after the first election; after the first election they shall be elected annually on the first Monday in October, by the stockholders, at such time of the day, and at such place in the town of Bowlinggreen, as the president and directors for the time being may prescribe. They shall hold their offices for twelve months, and until their successors are duly qualified; and notice of every

1856.

Amount of
debt.

Shall not re-
fuse specie pay-
ment, and pen-
alty if they do.

scire facias may
be sued out by
Attorney Gener-
al.

Who to man-
age affairs of
bank.

1856.

such election shall be published in a newspaper printed in the town of Bowlinggreen, for at least sixty days next preceding the same; and shall be by ballot, and plurality of votes, by and under the inspection of three stockholders under oath, and previously appointed by the president for that purpose. At every election and meeting of the stockholders, held under the provisions of this charter, each and every shareholder shall be entitled to one vote for each and every share he may hold in his own right—which vote may be cast in person or by proxy. And after the first election, no share shall confer the right of suffrage which shall not have been held by the then owner thereof, and so appear on the books of said bank, at least two calendar months previous to the election. And no director of any other bank in this commonwealth shall be eligible to the office of director to this bank. And if it shall so happen that an election of directors shall not be made on any day when by this act it ought to have been made, the corporation shall not for that cause be dissolved, but it shall be lawful for the stockholders to make an election of directors on any other day that may be designated by their by-laws. And if the president or cashier shall fail or become insolvent after his election or appointment, he shall thereby become incapable to serve in that capacity, and his place shall be supplied in the manner prescribed in the fifth section of this act. Nor shall any person who may have failed in business hold the office of president or cashier, unless he has paid off the debts for which he failed, or obtains an acquittal or discharge from such debts.

Failure of president or cashier.

President to be elected.

Officers may be appointed.

May make by-laws.

§ 5. That the directors chosen under the provisions of this charter, shall as soon as may be, after the first and every annual election, elect a president from their own body, who shall preside at the board until his successor is appointed and qualified, and in case of death, absence, or resignation of the president, the board shall choose a president *pro tempore*, and shall fill all vacancies which may occur in their own body during the time for which they may have been elected, and appoint a cashier and subordinate officers, clerks, agents and servants of said bank, fix their compensation, define their powers, and prescribe their duties; and shall require of them such bonds and in such penalties, and with such conditions and sureties, as they shall deem right, the same to be altered or amended, and additional security demanded, whenever the directory may think it expedient and proper. The president and directors shall from time to time make such by-laws, rules and regulations for their own government, and for the management and disposition of the property, funds, and business of the bank and all matters appertaining thereto, which they may judge

expedient, not contrary to the provisions of this charter, and the by-laws, rules, and regulations which the stockholders may from time to time prescribe at their meetings. They may hold stated meetings at least once a week, or on such day as they may from time to time designate, and at such other times as the president may require. And a majority shall constitute a quorum, and shall be competent to the transaction of any business within the scope of their powers. They shall, on the first Mondays of January and July annually, make and declare such dividends resulting from the profits of said bank, and cause such dividends to be paid on demand, to the stockholders: *Provided*, That no dividend shall be declared on the capital stock of this bank until the stock subscribed is fully paid, nor until the surplus profits of the bank shall exceed the sum of *twenty* thousand dollars; and that no dividend shall at any time be declared that will reduce the contingent fund below *ten* thousand dollars. The cashier of said bank shall, on the first day of May in each year, after the bank commences business, pay into the treasury of the state fifty cents on each share of the capital stock held and paid for, which shall be in full of all tax or bonus on said bank, which tax shall be transferred to and constitute a part of the common school fund. And if the president and directors of said bank shall, at any time, make any dividend of the profits or other property of the bank, by which the capital stock thereof shall in any wise be lessened or impaired, or shall, by any neglect of duty, cause any loss or deficiency of the capital stock of the bank, the directors consenting thereto, or guilty of such mismanagement or neglect of duty, shall be jointly or severally liable in their individual capacities to any stockholder who may be injured thereby; and the president and each and every director shall be deemed to have consented to such dividend, and been guilty of such mismanagement or neglect, unless he shall forthwith give notice of his dissent thereto, and have the same entered on the books of the bank.

§ 6. That if the cashier or any of the officers, agents or servants of said corporation, shall embezzle, and without authority from the president and directors of said bank, appropriate any of the funds of said corporation to his own use, with intent to cheat and defraud the president, directors and company of said bank, or shall fail to make correct entries, or shall make false entries on the books of said bank, with the intent to defraud said bank or any other person whatever, said officer, agent or servant, shall be held and deemed guilty of felony; and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of the State, for not more than

1856.

May hold stat-
ed meetings.

Quorum.

Declare divi-
dends.Tax to be paid
to the State.Penalty on of-
ficers if they em-
bezzle the funds
of the bank.

1856.

*Cashier's account to be examined.**Officers not to engage in other business.**Transmit statement to Auditor.**Record of proceedings to be kept.**Certificates of deposit, &c., obligatory on bank.*

twenty years. And it shall be the duty of the president and directors, and they are hereby required, as often as once in each month, to cause a strict examination to be made of the accounts of the cashier, and a full and complete settlement thereof, and the same entered on the journals of the proceedings of the board. It shall not be lawful for the cashier or other subordinate officer, clerk or teller of said bank, to engage in, or carry on any other business than that of said bank, without the especial license of the president and directors, under the penalty of one thousand dollars, to be recovered in the corporate name, and for the use of said bank; nor shall the cashier, or other subordinate officer, clerk or teller, become indebted to said bank, either as borrower, indorser or surety; nor shall they be permitted to vote as agent or proxy of stockholders, at any election of directors.

§ 7. That the president and directors of said bank shall, during the first week of the session of each legislature, transmit to the auditor of state, a full and accurate statement of the condition of the bank, as it existed on the first day of the preceding month, which statement shall specify the amount of capital stock paid in, and the value of the real estate belonging to the same, together with its cost, the amount of stock, (if any,) subscribed and not paid for; the total amount of debts due to and from said bank; the amount of specie on hand, the money deposited, of bills in circulation, of bills on hand on solvent banks incorporated by this State, and by each of the other States or United States, the number of notes in circulation, of each denomination issued by the bank, the rate and amount of each dividend of profits made by the bank, with the amount of surplus or contingent fund of said bank, which statement shall be laid before the legislature of Kentucky at its then session, and the auditor shall cause the same to be published, at the expense of the bank, in a public newspaper printed at the seat of government, and one printed in the town of Bowlinggreen.

§ 8. That said president and directors shall keep a record and journal of all of their proceedings, which they shall exhibit to the stockholders at any regular meeting, and shall always be subject to the inspection of any three stockholders, and the books, papers, correspondence, and funds of said bank, shall, at all times, be subject to the inspection of the board of directors, or any member thereof.

§ 9. That the certificates of deposit, bills, notes, bills of exchange, post notes, or orders of said bank, signed by the president, and countersigned by the cashier, promising or directing the payment of money, to any person or persons, or order, or to bearer, shall be obligatory on said bank, though not under the seal thereof; and all

such bills, notes, or orders, payable to order, shall be transferable and negotiable by indorsement, and those payable to bearer on delivery. That the shares of the capital stock of said bank, shall be considered and held in law as personal property, and assignable and transferable only as the president and directors shall prescribe. It shall not be lawful for the corporation hereby created, either directly or indirectly, to use or employ any of its capital stock, money, funds, or effects, in trade or business of buying and selling goods, wares, and merchandise, in any way and manner whatever, save as provided for in section first.

§ 10. That said bank shall not contract for, or receive a greater rate of interest than at the rate of six per centum per annum, for the loan or forbearance of money; and interest on promissory notes, negotiable and payable at said bank, and there discounted, shall be calculated on the true time such notes have to run, including three days grace, and shall be paid in advance and on banking principles, in conformity with Rowlett's tables of discount and interest.

§ 11. That a general meeting of the stockholders of said bank shall be held in the town of Bowlinggreen, on the first Monday in October in each year, at the time and place of holding the election for directors, to which meeting the directors for the year immediately preceding shall present a full and accurate statement of the condition and affairs of said bank, and of the surplus and contingent fund, (if any,) arising from the profits thereof, after deducting losses and dividends; and general meetings of the stockholders may be held in Bowlinggreen, at any other time when ordered by the president and directors, or by any number of stockholders their by-laws may prescribe.

§ 12. That J. C. Wilkins, J. T. Donaldson, William Gladish, H. C. Atchison, Richard Curd, Charles McKinney, P. J. Potter, A. G. Hobson, John Wardlow, Peyton Cook, and E. D. Payne, are hereby constituted and appointed commissioners to open books and receive subscriptions for the capital stock of said bank, and to superintend the election of the first board of directors thereof, any six of whom shall be competent to exercise the powers and perform the duties required of them by this act. They shall have power, and are hereby directed, on the first Monday in June, 1856, having given not less than thirty days notice thereof in a newspaper printed in Bowlinggreen, to open books at some suitable place in the town of Bowlinggreen, for the subscription of the capital stock of said bank, and cause said books to be kept open four hours each day, for at least thirty days, or until one thousand shares of the capital stock is subscribed. If the whole of

Rate of interest.

General meet-
ing of stockhol-
ders to be held.

Commissioners
to open books.

1856.

the two thousand five hundred shares of capital stock shall not be taken, when the books of subscription shall first be opened by the commissioners, the president and directors shall open the books from time to time, and at such times as they may determine: *Provided*, They shall open the books for subscription at least once in every ninety days thereafter, giving thirty days notice thereof, and cause them to be kept open, if they choose, until the whole or any part of the residue of the capital stock shall be subscribed. And the president and directors may require premium on the stock sold, at the re-opening of books, and such premium shall be the property of the bank, provided said premium shall not exceed six per cent. per annum on said stock; and if there are more than two thousand five hundred shares subscribed when the books are thus opened, by the commissioners or the president and directors, the largest subscriptions shall be curtailed to reduce the number of shares to two thousand five hundred: *Provided*, That no subscription shall be curtailed below ten shares.

Notice to be given of time of electing first board of directors.

§ 13. When not less than one thousand shares of the capital stock shall have been taken or subscribed, and the commissioners shall have closed the books, it shall be their duty to give notice, in some newspaper printed in Bowlinggreen, naming a day and place in said town of Bowlinggreen for the election of the first board of directors for said bank, who shall hold their offices until the next succeeding annual election. And not less than thirty days notice shall be given of the time and place of holding the election. Any three or more of said commissioners shall act as inspectors of the election, after being duly qualified, and perform all the duties of inspectors of elections in like cases.

Calls on stock,

§ 14. That the payment of shares of said capital stock shall be made in gold and silver, and at the times and in the manner following, viz: Five dollars on each share to the commissioners at the time of subscribing, and five dollars on each share within ten days after the election of the first board of directors, and ten dollars on each share within sixty days thereafter, and the residue in such installments as the president and directors may require. But any shareholder may, at his own option, pay the full amount of his subscription before required by the directory; and where any share of stock shall be fully paid, the president and directors shall issue scrip to the owner thereof, in such form as the stockholders shall have prescribed. Should any subscriber fail to make the second payment on such share required by this act, such subscriber shall forfeit to the said company the sum unpaid; and such share thereafter shall be liable to be re-sold by the president and directors, as other unsubscribed stock.

And if there should be a failure in any of the subsequent payments for any of the capital stock, he or they shall forfeit the amount unpaid, and his share shall be liable to be re-sold.

§ 15. That the president, directors, cashier, teller and clerk, previous to their entering on the duties of their several offices, shall take an oath before some justice of the peace of Warren county, Kentucky, faithfully and honestly to discharge the duties of their several offices and stations, created by this charter, or which may be required by the by-laws of said corporation; and furthermore, that they will not, during their continuance in office, sanction or permit any of the provisions of this charter to be violated, if in their power to prevent it.

§ 16. That no one person, in their own name and for themselves, shall have the right to subscribe for more than one hundred shares of the capital stock of this bank. And, for the greater security of the creditors and bill-holders of the People's Bank of Kentucky, the stockholders are hereby declared liable and responsible in their individual and private capacity to an amount equal to the amount of stock they may own in said bank, and so soon as the property, valuables and effects of the corporation has been exhausted, and not before, may be proceeded against by creditors or holders of the bills of said bank, in any court of equity in this commonwealth; and that no stockholder shall pay any debt he may owe the bank by a surrender of his stock to the bank, until all the corporate debts are paid; and stockholders shall be compelled to pay their indebtedness to said bank as other debtors.

§ 17. That it shall not be lawful for said bank to issue any note, bill, or to loan money after it shall have refused or failed to redeem its issues in specie; and if the said institution shall presume to do so, the bond, note or other instrument of promise made to said bank in consideration of such negotiation, shall be utterly void.

§ 18. That so soon as five directors shall have been elected by the stockholders, under the superintendence of the commissioners, as prescribed in section thirteen of this act, and said directors being fully qualified, they shall receive the books of subscription of stock, properly certified by said commissioners, with the amount paid upon the stock subscribed, which amount of stock subscribed, and the number and amount of installments paid in, shall be published in a paper in the town of Bowlinggreen; at which time, and not before, this bank shall be, and is hereby legally authorized to commence its business.

§ 19. That at no one time shall there be a greater amount than thirty-three and a third per cent. of the

1856.

Officers to take oath.

How stock to be subscribed and liability of stockholders.

Not to issue notes, &c. after failing to redeem.

When bank may commence business.

Foreign or domestic bills of exchange.

1856.

funds of this bank employed in dealing in foreign or domestic bills of exchange, and that two-thirds shall be used in dealing in negotiable and accommodation paper, indorsed and properly secured.

§ 20. The legislature reserves the right to so amend this charter as to restrict its issues to bills of the denomination of not less than five dollars.

Two additional
directors may
be elected.

§ 21. That nothing herein contained shall prevent the stockholders from electing two additional directors, if they deem it expedient or best for the interest of this body politic and corporate, and when elected performing the duties of their office as other directors.

§ 22. That this act shall take effect from its passage.

Approved February 15, 1856.

CHAPTER 152.

'AN ACT supplemental to an act to establish the People's Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no person, who is not a citizen of the State of Kentucky, shall be eligible to the office of director in said bank.

§ 2. That nothing in section nine of said act shall be so construed as to authorize certificates of deposit, bills of exchange, or orders of said bank to be made payable to bearer, and nothing shall be made payable to bearer but the notes payable on demand at the counter of said bank. And whereas, by a clerical mistake, the bill, as passed, to establish the People's Bank, authorizes the issue of post notes: Therefore,

§ 3. *Be it further enacted*, That so much of said charter as confers any such authority, is hereby changed and modified in such manner, that said bank issue no post notes whatever, nor shall it issue any thing else as currency but notes payable on demand at its office of discount and deposit, at Bowlinggreen; and any violation of this act shall be held and deemed a forfeiture of the charter of said bank.

Approved February 15, 1856.

CHAPTER 153.

AN ACT to incorporate the Bank of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be and there is hereby created and established, at Ashland, in Greenup county, Kentucky, a

bank, by the name of the Bank of Ashland, which shall continue in existence, from and after the passage of this act, until the first day of January, one thousand eight hundred and eighty-six.

§ 2. That the capital stock of said bank shall be four hundred thousand dollars, divided into shares of one hundred dollars each; but so soon as one hundred thousand dollars of said capital stock shall be subscribed, and fifty thousand dollars in gold and silver paid in, as hereinafter specified, it shall be lawful for said bank to commence operation under this charter.

§ 3. That Hugh Means, William T. Nichols, Lewis D. Ross, Kirk Valdemar, Hiram Ferguson, John N. Richardson, and Charles M. Wilson, or any three of them, be and they are hereby appointed commissioners to open books of subscription to the capital stock of said bank. Said books shall be opened by said commissioners in the town of Ashland, and at any other points they may deem necessary, within this State, at such times as they may designate, of which at least three weeks notice shall be given in some newspaper printed in said county, or, if none be there published, then in some newspaper printed in the city of Maysville.

§ 4. It shall be lawful for any individual, company, or body corporate, to subscribe for any number of shares, not exceeding two hundred, of said capital stock; and such individual, company, or corporation, at the time of making such subscription, shall pay to said commissioners, for the use and benefit of said bank, the sum of five dollars on each share of said stock so subscribed.

§ 5. Said commissioners shall keep said books open for the subscription of stock for the period of one week, unless the whole capital, before that time, shall have been subscribed. At the expiration of said week, if the amount of one hundred thousand dollars of said capital shall not have been subscribed, it shall be lawful for said commissioners to designate one of their own number to take charge of said subscription books, and to attend to receiving additional subscriptions, until the amount of one hundred thousand dollars of said stock, at least, shall have been taken. If, at the end of three months from the time of opening such books, there shall not have been subscribed to the amount of one hundred thousand dollars of said stock, then, immediately after that period, it shall be the duty of said commissioners to abandon the subscription already made, and to refund to such parties as may have subscribed, the sums paid by them respectively on account of their said subscriptions. So soon, after the expiration of the first week above named, as the amount of one hundred thousand dollars, at least, of said capital stock shall have been subscribed, it shall be the duty of

Capital stock.

Commissioners
names, and
books to be
opened.Who may sub-
scribe stock.How long books
to be kept open.When directors
to be elected.

1856.

Body politic,
and corporate
powers.

May have and
use a common
seal, and make
by-laws.

Business of
the bank.

To be under
the management
of seven direc-
tors.

said commissioners to fix upon a day for the election of directors of said bank, of which three weeks notice, at least, shall be given in some newspaper printed in the county of Greenup, or if none be there printed, then in some newspaper printed in the city of Maysville.

§ 6. Said subscribers and shareholders, their successors and assignees, shall be, and hereby are, created a body politic and corporate, by the name aforesaid, and by that name, under the restrictions hereinafter mentioned, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all matters whatsoever, as natural persons, with full power to acquire, hold, possess and enjoy, and the same to sell, convey and dispose of at pleasure, all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of their business, or which may be conveyed to said bank, as security for any loan or debt, or purchase in satisfaction of any judgment or decree in favor of said bank, or in the purchase of any property on which said bank may have a lien. And said bank may have and use a common seal, and change, alter, and renew the same at pleasure; and it may ordain and put in execution such by-laws, rules, and regulations, for the government of said bank, and the prudent and efficient management of its affairs, as may be thought most proper: *Provided*, That they be not contrary to the constitution and laws of this State, or of the United States, or of the provisions of this act.

§ 7. The business of said bank shall be to loan money, discount promissory notes and bills, and deal in exchange; and it may issue bills and bank notes, payable to bearer on demand, at either of its offices of discount and deposit—but of not less denomination than five dollars; and it shall not issue any notes, bills, checks, or orders to circulate as money, other than such as are payable on demand. The promissory notes, made payable to any other person or persons, and payable and negotiable at the principal office of discount and deposit, or branch of said bank, or at any other bank, and indorsed to, and discounted by said bank, shall be, and they are hereby put on the same footing as foreign bills of exchange, and remedy may be had jointly or severally, against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes.

§ 8. The real and personal estate, business, property, funds, and prudential concerns of said bank, and the administration of its affairs, shall be under the direction, management, and control of seven directors, all of whom

shall be citizens of the United States and residents of the State of Kentucky, who, after the first election, shall be chosen annually on the first Monday in May. Each director shall be a stockholder, holding at least ten shares of stock in his own right. They shall hold their offices for one year, and until their successors shall be chosen—except the first directors, who shall hold their offices until the next regular annual election. The election shall be held at Ashland, and of the time and place of holding the election at least three weeks previous notice shall be given. The directors shall be chosen by the stockholders—each share of stock being entitled to one vote held in their own right up to fifty; and one vote for every five shares between fifty and one hundred; and one vote for every ten shares above one hundred; the election shall be by ballot, and shall be conducted under the direction of three stockholders, acting under oath, previously chosen or appointed by the directors, and who shall not be of their own body. After the first election, no share shall entitle the holder to vote, unless the same has been held by him at least three months prior to that time, and so appears on the books of the bank. Any stockholder entitled to vote, may do so in person or by proxy—such proxy being granted to a person who is not a director or officer in said bank. If, from any cause, an election shall not take place on the day fixed by this charter, the corporation, for that cause, shall not be dissolved, but the stockholders may hold an election on any other day the by-laws shall direct. The stockholders, at an annual election, may, by a vote representing a majority of said stock, increase or diminish the number of directors, so as, however, that there shall be never more than eleven, or less than five.

§ 9. The directors shall, as soon as may be after the first and every annual or other election of directors, elect a president from their own body, who shall preside at the board until the next election; but in case of the death, absence, resignation, or vacation of the office of president, the residue of the directors shall choose a president *pro tempore*. They shall fill all vacancies which may occur in their own body during the time for which they were chosen. They shall appoint a cashier, and such other clerks and agents as they may deem proper, fix their compensation, define their powers, and prescribe their duties, and may require them to give such bonds, in such penalties, and with such securities, as they may deem right, for the faithful performance of their respective duties. And all such officers and employees shall hold their places during the pleasure of the board.

§ 10. The directors shall hold stated meetings at least once a week, on such days and such hours as they may from time to time appoint, and at such other times as they

1856.

Term of office.

How directors chosen.

May vote by proxy.

Number of directors may be diminished.

President to be elected.

May fill vacancies.

Officers to be appointed.

Stated meetings, when to be held.

1856.

To transmit
statement of
business to Sec-
retary of State.

To take oath.

Not to receive
a greater rate of
interest than six
per cent.

Certificate of
stock to be is-
sued.

of, be sentenced to confinement in the jail and penitentiary of the State for a period of not less than five nor more than twenty years.

§ 19. It shall be the duty of the president and directors of the bank, during the first week of the session of the Legislature, in each year, to transmit to the Secretary of State an accurate and just statement of the condition of the bank, as it existed on the first day of the preceding month, which statement shall specify the amount of the capital stock actually paid in, and the amount not paid in, and the value of the real estate belonging to the bank, and its cost, the total amount of the debts due to and from the bank, the amount of gold and silver and other coined metal and bullion on hand, the amount deposited, the amount of bills in circulation, and the amount of bills on hand of other incorporated banks, the amount of notes in circulation of each denomination issued by the bank, the rate and amount of each dividend of profits made by the bank, with the amount of the surplus profits or the contingent fund; which statement the Governor of the Commonwealth shall cause to be laid before the Legislature, and they shall, when required by the Legislature, report all bad and doubtful debts.

§ 20. The president, cashier, directors, clerks, and tellers, and other officers of the bank, previous to entering upon the discharge of their duties, shall take an oath before some Justice of the Peace of this State, faithfully, honestly, and impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices and stations, under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

§ 21. Said bank shall not contract for or receive a greater rate of interest than at the rate of six per centum per annum, for the loan or forbearance of money, and interest on promissory notes, negotiable and payable at said bank; and their discount shall be calculated upon the true time such notes have to run, including three days of grace, and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

§ 22. That certificates of stock shall be issued to the proper party entitled thereto, and the shares of the capital stock of said bank shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place or places as said directors shall, by their by-laws, provide; and said bank shall have and retain a lien on any unassigned stock against the holder thereof, for any sum or balance that may be owing by such holder to said bank.

§ 23. The certificates of deposit, bills of exchange, or orders, issued by said bank, shall be signed by the cashier, promising or requesting the payment of money to any person or persons, and to order or bearer, as the case may be, and be obligatory on said bank, although not under its seal; and such of said notes or bills as shall be payable to order, shall be transferred by assignment, and those made payable to bearer, by delivery.

§ 24. That the annual meeting of said stockholders shall be held at Ashland, on the first Monday in May in each year, at the time of the annual elections, to which meeting the president and directors of the bank shall present an accurate statement of the condition and affairs of the bank. And a general meeting of the stockholders may be called, as provided in this charter, or by the president and directors of the bank, when they esteem it desirable, or by any number of the stockholders the by-laws of the corporation shall require.

§ 25. The Franklin Circuit Court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceeding shall be by *scire facias*, alleging and specifying the acts of forfeiture complained of, and shall only be sued out at the instance of the Attorney General, when directed to do so by order of the Legislature, or Governor for the time being.

§ 26. If the whole of the capital stock shall not be subscribed for, when the books of subscription shall be opened by the commissioners as hereinbefore provided, it shall be lawful for the directors of said bank, after the bank shall have gone into operation, from time to time to sell and dispose of any balance of stock that may remain, until the whole balance shall be disposed of: *Provided, however,* that the same shall not be sold at less than the par value of said stock.

§ 27. The payment of the shares of the capital stock shall be in gold and silver, at the times and in the manner following, to-wit: Five dollars on each share to the commissioners at the time of subscribing, as hereinbefore provided; and ten dollars on each share within ten days after the election of the first board of directors; and the residue shall be paid in such installments as the bank shall require, except that the first board of directors shall make such call on the amount of stock subscribed as shall produce the aggregate sum of fifty thousand dollars, at least; and after that not more than twenty dollars shall be called for, at any one time, on each share, nor shall the time between the calls be less than ninety days.

§ 28. Should any of the subscribers to the capital stock of said bank fail or refuse to pay for their stock, as hereinbefore provided, the president and directors, first giving

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Certificates of deposit, &c., signed by cashier.

Annual meeting.

Franklin circuit court to try forfeiture.

Stock may be sold.

Call on stock.

Stock may be forfeited.

1856.

public notice, in at least two public authorized newspapers in this State, for the space of thirty days, by a resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to resell the same; and all partial payments made on any stock which shall be forfeited, shall be held for the benefit of the bank.

When bank
may commence.

§ 29. So soon as one hundred thousand dollars of said capital stock shall have been subscribed for, and fifty thousand dollars have been paid in by said subscribers, in gold and silver, the president and directors shall cause the Governor of this Commonwealth to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in as capital stock, and to take the oath of the president and not less than three of the directors that the same has been paid in as stock *bona fide*, and make due return thereof to him. And on such appearing to be the fact, the Governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds required, has been done, and the said bank is authorized to commence operations as a banking institution; and from and after the first proclamation, it shall be lawful for said bank to commence business.

President, &c.
not to be bound
as security.

§ 30. It shall not be lawful for the president or any of the directors of said bank to become bound as security or accommodation indorser on any note or bill discounted in said bank; and a violation of this provision shall subject the person violating the same to a penalty of one thousand dollars, to be recovered by action of debt, in the name of the corporation, and for their use and benefit.

Tax on stock.

§ 31. In consideration of the franchises granted herein, it shall be the duty of said bank, on the first day of July of each year, during the continuance of this charter, to pay to the auditor of public accounts, fifty cents on each hundred dollars of stock held and paid for in said bank, which shall be in full of all tax or other bonus or assessment: *Provided*, that no tax shall be paid until said bank shall go into operation; and that the amount of tax so paid shall be paid into the common school fund, and forever held inviolable for school purposes.

Branch to be
located at Shel-
byville.

§ 32. That a branch, with a capital of two hundred thousand dollars over and above the four hundred thousand dollars hereinbefore provided, be and the same is hereby established and located at Shelbyville, in Shelby county: *Provided*, one hundred thousand dollars of said stock is subscribed and taken in one year from the passage of this act: *And provided further*, that if the said one hundred thousand dollars of the stock in said branch is not subscribed for in one year as aforesaid, then the president and directors of the mother bank shall have the power to

1856.

establish said branch at some other eligible point in the State, of which the Governor of the State shall be informed by said president and directors.

§ 33. That books of subscription to the capital stock of said branch shall be opened at Shelbyville, and James M. Bullock, M. D. McHenry, Josephus Wilson, Stephen H. Miles, Shelby Todd, Wm. S. Helm, Lewis Malone, Wm. H. Becham, Wm. Threlkeld, James L. O'Niel, and Dr. R. B. Winlock, or any three of them, be appointed commissioners to open said books of subscription, and shall keep the said books open for two weeks, at which time, should the full amount of one hundred thousand dollars of said capital stock be not subscribed for, they shall appoint one of their number to keep said books open until the required amount is taken within the provisions of this act.

§ 34. The principal bank shall appoint the cashier for the branch bank, and shall have power to prescribe such rules and regulations for the government of such branch as they may deem right, and shall have the power to enforce the same. The affairs of said branch shall be managed by seven directors, who shall be stockholders to the amount of not less than ten shares of said bank, and who shall be elected at the same time and place as the directors of the principal, one of whom shall be appointed president by the directors of the mother bank, and shall continue in office for the same term of the president of the mother bank; and said president and directors shall appoint such number of clerks and other officers as the directors of the principal bank may direct.

§ 35. Said bank shall not at the principal bank, or at its branch, hold and own at any time an amount of bills of exchange exceeding the amount of promissory notes held and owned at such time by such bank or branch; and all promissory notes payable at a different point from that at which they may be discounted, and from which a greater discount than at the rate of six per cent. per annum is taken, whether under color of exchange, charge for collection, or otherwise, shall, for the purposes of this section, be held and taken to be bills of exchange. But the bank shall not be held to have violated this provision if the amount of the promissory notes held and owned by the principal bank, or its branch, shall be at any time reduced by payments below the amount of bills of exchange: *Provided*, no further purchases of bills are made for such bank or branch, until the amount of bills be reduced below that of promissory notes: *Provided, however*, Said bank shall at no time charge a greater rate of exchange than the one eighth of one per cent. a month on bills made payable in this State, or the one fourth of one per cent. a month on bills made payable out of this State, and on no bill for

Books to be opened, and commissioners names.

Cashier to be appointed by principal bank.

Number of directors.

Bills of exchange not to exceed promissory notes.

Rate of exchange to be charged.

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Usury not to be charged in the color of exchange.

Not to buy kites.

Liability of stockholders.

Notes of said bank to be received on account of tax.

Cash on hand to be counted once every three months.

any length of time a greater amount for exchange than one per cent. when payable out of the State; but this proviso shall not legalize any usurious charge for time under color of charging for exchange, or affect the right of the General Assembly at any time to limit, in any manner, the rate of discount for exchange on any bill of exchange that may be discounted by said bank: *Provided further*, that said bank shall not, at any time, buy or deal in that class of bills known by the name of kites, and should the officers of said bank buy or deal in any such bill or bills, knowing the character thereof, or having it in their power to ascertain the character thereof by proper diligence, the parties bound upon said bill shall be released from all liability thereon, and said bill shall be void and not collectable by law or otherwise; and said bank shall be liable to all other penalties affixed by this act for a violation of the foregoing provisions.

§ 36. If at any time a forfeiture of the charter shall be declared, as provided for in section fourteenth of this act, in order to secure the payment of the debts of the bank, each stockholder shall be required to pay the full amount of his stock to the creditors of the bank, at that time remaining unpaid, and to that extent shall he be held personally liable for the debts due from said bank; and upon his failure to pay the remainder of said stock, suit may be instituted against him, in any court of competent jurisdiction for the recovery of the same.

§ 37. The bills and notes of said corporation, originally made payable to bearer, shall be receivable in all payments to the State, and on account of county levies, so long as it shall redeem its notes in gold and silver, on demand, unless otherwise directed by law.

§ 38. The president and directors shall cause a count to be made of the cash on hand, and a comparison of the same with the cashier's books by a committee of directors, at the branch as well as at the principal bank, once every three months, and a report thereof to be recorded at length on the record of proceedings of the principal bank, which shall at all times be open to the inspection of any person interested in said bank, either as a stockholder, bill holder, or other creditor of the corporation.

Approved February 15, 1856.

CHAPTER 155.

AN ACT supplemental to an act to incorporate the Bank of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That nothing in any section of said act shall be so construed as to authorize certificates of deposit, bills of

exchange, or orders of said bank, to be made payable to bearer, but the notes payable on demand at the counter of said bank, or of its branch. This act shall take effect from its passage.

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Approved February 15, 1856.

CHAPTER 158.

AN ACT to divide the State into thirteen Judicial Districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State of Kentucky shall be divided into thirteen Circuit Court Judicial Districts, as follows, viz:

First District—Fulton, Hickman, Ballard, Graves, McCracken, Calloway, Marshall, Livingston, Lyon, Crittenden, and Union.

Second District—Henderson, Hopkins, Caldwell, Trigg, Christian, Todd, and Muhlenburg.

Third District—McLean, Daviess, Hancock, Ohio, Grayson, Breckinridge, Meade, Hardin, and Larue.

Fourth District—Logan, Butler, Warren, Simpson, Allen, Edmonson, Barren, Monroe, and Hart.

Fifth District—Green, Taylor, Marion, Washington, Nelson, Mercer, and Anderson.

Sixth District—Garrard, Boyle, Lincoln, Casey, Pulaski, Wayne, Clinton, Russell, Cumberland, and Adair.

Seventh District—Jefferson, Oldham, Shelby, Spencer, and Bullitt.

Eighth District—Franklin, Owen, Henry, Trimble, Carroll, Gallatin, Grant, and Boone.

Ninth District—Kenton, Campbell, Pendleton, Harrison, and Bracken.

Tenth District—Mason, Nicholas, Fleming, Rowan, Lewis, and Greenup.

Eleventh District—Montgomery, Powell, Bath, Morgan, Carter, Lawrence, Johnson, Floyd, and Pike.

Twelfth District—Estill, Owsley, Breathitt, Perry, Letcher, Harlan, Clay, Knox, Whitley, Laurel, and Rockcastle.

Thirteenth District—Madison, Jessamine, Clarke, Fayette, Woodford, Scott, and Bourbon.

§ 2. There shall be a Circuit Court Judge and a Commonwealth's Attorney elected in and for every one of the foregoing thirteen districts, on the first Monday in August, 1856, in pursuance of the election laws then in force; and the business of the Circuit Courts shall be conducted in all respects until that time, and until the new Judges have been commissioned and qualified, as if this act had not been passed.

*new districts
into 13 districts*

*Circuit Judge
and Commonwealth's Attorney
to be elected
in each district.*

1856.

§ 3. The times of holding the Circuit Courts in and for the aforesaid districts, and the number of juridical days in each county, shall be prescribed by law.

Approved February 15, 1856.

Line between
Knox and Har-
lan.

CHAPTER 166.

AN ACT to change the county line between Knox and Harlan counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the county line between the counties of Knox and Harlan shall run so as to include the road in Harlan county between the mouth of Straight Creek and Renfrow's Mill.

Approved February 15, 1856.

Rates of toll.

CHAPTER 167.

AN ACT to regulate the rates of tolls on the Wilderness Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following rates of toll shall be charged and collected at the toll-gate on the Crab Orchard fork of the Wilderness Turnpike Road, in Rockcastle county, from and after the fourth Monday in May, 1856:

For each family, or pleasure carriage, - - -	\$1 00
For each four-horse mail coach, - - -	75
For each two-horse mail coach, - - -	50
For each six-horse wagon, - - -	1 00
For each four-horse wagon, - - -	75
For each two-horse wagon, - - -	50
For each one-horse wagon, - - -	40
For each break wagon, drawn by two horses,	80
For each omnibus, hack, rockaway, or pedler's wagon, drawn by two horses, - - - -	1 00
For each wagon containing animals for shows,	1 25
For each one-horse buggy or dearborn, -	50
For each gig, or two wheeled carriage, - -	50
For each horse or ox cart, - - -	25
For each man and horse, - - - -	10
For each horse, mule, jack or jennet in a drove or otherwise, - - - -	5
For each head of neat cattle, - - - -	3
For each sheep or hog, - - - -	1
For each additional horse or mule necessary to draw the load in any of the foregoing carriages or wagons, - - - -	5

§ 2. That hereafter one-half of all fines and forfeitures collected by the gate-keeper, for violations of the laws regulating said gates, shall be paid over to the County Court for the benefit of the road.

1856.

Fines collected.

§ 3. That the gate-keeper shall not charge toll not authorized by this act, or if he unnecessarily harrass or detain any person passing through said gate, he shall forfeit and pay to the party aggrieved, twenty dollars for each offense, to be recovered by warrant before a Justice of the Peace.

Penalty on keeper for ex-tortion.

§ 4. That the gate-keeper shall not directly or indirectly buy any road orders for a less sum than their nominal value; and for a violation of this section he shall forfeit the full amount of the order so bought, to be recovered as provided in the third section of this act, at the suit of the person in whose favor said order is drawn.

Gate keepers prohibited from buying orders.

§ 5. That it shall be the duty of the gate-keeper to report quarterly to the County Court of Rockcastle county, commencing on the third County Court day after he enters upon the duties of his office, the amount of tolls received, provided the said gate-keeper is appointed by said court; but if he purchases the gate, as now provided for by law, he shall execute bonds for the agreed amount, payable to said County Court every four months, in three equal installments; and upon failure to do so, suit may be brought by the County Attorney of Rockcastle county in the Circuit Court for a breach of his bond.

Duties of gate-keeper.

§ 6. That persons heretofore exempted at said gate from paying tolls are still exempted under this act.

Persons exempt from paying toll

§ 7. That the gate-keeper shall keep the rates of toll continually posted on said gate post; and for failure to do so shall be fined five dollars for each day.

Rates to be posted.

§ 8. This act shall take effect from the fourth Monday in May, 1856.

Approved February 15, 1856.

CHAPTER 170.

AN ACT better to regulate the standard weights of certain products.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the 105th chapter, section 7th, of the Revised Statutes, be and it is hereby amended, so as to make the standard weight of potatoes to be fifty six pounds to the bushel instead of sixty, and that so much of said act relating to the weight of potatoes be and the same is hereby repealed. And that this act take effect from and after its passage.

Potatoes-weight 56 pounds. Rev. Stat. sec.

Approved February 15, 1856

LAWS OF KENTUCKY.

1856.

CHAPTER 175.

AN ACT to increase the fees of Jailers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter Jailers in this Commonwealth shall receive and have fifty cents a day for keeping and boarding a prisoner, and so much of article 10, of chapter 38, of the Revised Statutes as is inconsistent with this act is hereby repealed.

Jailors may receive 50 cts. per day for boarding
(a)

Approved February 15, 1856.

CHAPTER 176.

AN ACT declaring Blackford creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Blackford creek, in Hancock county, is hereby declared to be a navigable stream, as high up as the Horse and Sulphur Fork of said stream.

Approved February 15, 1856.

CHAPTER 177.

AN ACT regulating the Circuit Courts in the third Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Muhlenburg Circuit Court shall commence on the first Monday in April in each year, and continue six juridical days, and on the first Monday in October in each year, and continue twelve juridical days, if the business of the court shall require it; and that hereafter the Ohio Circuit Court shall commence on the second Monday in April in each year, and continue twelve juridical days, and on the third Monday in October, and continue six juridical days, if the business of the court shall require it.

§ 2. All acts inconsistent herewith are repealed; this act to take effect from its passage, but it is only to operate as law until the act passed at the present session for dividing the State into thirteen judicial districts takes effect.

Muhlenburg
and Ohio circuit
courts—when to
be held.

Approved February 15, 1856.

(a) Section 1, of art. 9, chap. 38, of Revised Statutes, page 350, allowed a Jailer, for each day's keeping in jail and dieting a prisoner, thirty-five cents.

LAWS OF KENTUCKY.

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CHAPTER 183.

1856.

AN ACT to authorize married women to convey real and other property under power of Attorney.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That a married woman may convey any interest she may have in personal and real property in Kentucky, by agent, under a power of attorney; but to make such conveyance effectual, the power of attorney must be made and acknowledged as deeds of married women are required to be made and acknowledged by the 21st and 22nd sections of chapter 24 of the Revised Statutes; but this act shall not be construed as authorizing a married woman to make any conveyance by an agent which she might not make in person, and it shall not apply to married women residing in this State.

Non-resident
married women
may convey real
or personal prop-
erty by agent.

Amendment
to chap. 24, title
"Conveyances,"
Rev. Stat. 1856.

Approved February 23, 1856.

CHAPTER 187.

AN ACT to establish Equity and Criminal Courts in the first Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be established in every county in the first judicial district, a Court, to be called the Equity and Criminal Court, which shall have jurisdiction of all equity, criminal and penal business, as the Circuit Courts have or may have, with all the powers and duties of Circuit Courts in such business. And all the business in the Circuit Courts, of the counties of said Equity and Criminal Court district, of which the Equity and Criminal Courts have jurisdiction under this act, may be transferred from the Circuit Courts to the Equity and Criminal Courts, and shall be conducted and tried in the manner, and under the rules and regulations applicable to its conduct and trial in the courts in which it was begun; and the provisions of the Code of Practice, as to the transfer of business from the Jefferson Circuit Court to the Louisville Chancery Court, shall apply to the transfer of business from the Circuit Courts to said Equity and Criminal Courts.

Equity and
Criminal courts
established in
1st district.

Code of Prac-
tice for transfe-
ring cases to ap-
ply. Civ. Code,
sec. 776.

§ 2. There shall be elected in said Equity and Criminal Court district, by the qualified voters therein, on the first Monday in August, 1856, a Judge, who shall hold said Equity and Criminal Courts; and the election shall be held at the places and under the rules and regulations applicable to the election of Circuit Judges. Said Judge shall have the same qualifications required for a Circuit Judge, and the same powers in respect to the business of which this act gives him jurisdiction, and he shall hold

Judge to be
elected.

LAWS OF KENTUCKY.

1856.

Salary of Judge.

Officers to perform same duties as in Circuit Courts.

Same fees.

Court of record.
(a)

his office during the same term as a Circuit Judge; and the successor of said Judge shall be chosen as the successor of a Circuit Judge is chosen.

§ 3. The salary of said Judge of the Equity and Criminal Courts shall be eighteen hundred dollars per annum.

§ 4. The Clerks of the Circuit Courts, Sheriffs, and all other officers in said Equity and Criminal Court district, shall perform the same duties as to said courts, and under the same liabilities and penalties as such officers are or may be bound to perform similar duties, as to Circuit Courts. The general laws as to the fees of officers shall apply to said courts.

§ 5. The said Equity and Criminal Court shall have a seal, and is hereby declared a court of record, and its proceedings shall be authenticated as the proceedings of Circuit Courts are authenticated.

Approved February 23, 1856.

Penalty for fishing in Little river with traps, nets or seines.

CHAPTER 194.

AN ACT to prevent the destruction of fish in Little River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person to engage in the capture or destruction of fish in Little river, or any of its tributaries in the county of Christian, either by fish-traps, dip-nets, or by seining.

§ 2. That every person guilty of a violation of this act, shall be fined, upon the presentment of a grand jury, not less than five nor more than ten dollars for each offense.

Approved February 23, 1856.

Wages and per diem of members of the General Assembly increased.

CHAPTER 199.

AN ACT to increase the pay of the members of the Legislature.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the termination of the present session of the General Assembly, the pay of each member thereof shall be four dollars per day, during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from the sessions of their respective houses, to be paid in the same manner their pay is now provided for.

Approved February 23, 1856.

(a) The time for holding the Courts is fixed by Chap. 332.

CHAPTER 204.

1856.

AN ACT to provide for holding terms of the Campbell Circuit Court in Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Judge of the ninth judicial district shall hold, annually, two terms of the Campbell Circuit Court in the city of Newport, at such place as the authorities of said city shall provide, at such times as may be fixed by law; and he may appoint special equity and criminal terms in said city whenever the business demands.

Two terms to be held in Newport annually.

§ 2. The Clerk of said court shall keep a distinct docket and record books for the terms held at Newport, and shall docket all causes therein that are now pending in said Circuit Court where the parties reside in Newport, or nearer to Newport than to Alexandria, and such as may be brought in said court at Newport, and all others that may be removed to Newport. The parties may agree to the removal of any cause now pending at Alexandria, and the Clerk shall remove the papers and transcribe the orders in the case without fee, except for transcribing the orders. The Clerk shall keep an office in Newport at such place as said city may provide.

Duties of the clerk.

§ 3. The city of Newport shall provide a jail, which, and the jailer, shall be under the control of said court so far as is necessary in the administration of justice; and persons committed by said court, and persons to be tried in Newport, shall be committed to such jail.

Requirements made of the city of Newport.

§ 4. All process in causes to be tried or pending in the court at Newport, or for the execution of its judgment, shall be returnable at Newport.

Sheriff and deputies to attend the court and summon juries.

§ 5. The Sheriff and his deputies shall attend said court at Newport, and the Sheriff shall summon juries for the first term to be held at Newport, and afterwards grand and petit juries shall be selected by jury commissioners, for said court, according to the laws in force on that subject.

Vote to be taken

§ 6. At the August election in 1856, the officers conducting the election in Campbell county shall propound the question to every voter, "are you for the act to provide for holding terms of the Campbell Circuit Court in Newport," and keep correct lists of those who vote aye and no, and make due return of the vote thus taken in the poll books, and if there be a majority voting in the affirmative, this act shall take effect on the second Monday in August, 1856, and if there be a majority voting in the negative, this act shall take effect on the first Monday of March, 1858.

When this act to take effect.

§ 7. The city of Newport shall provide, and keep in repair, the court house, clerk's office and jail which may be necessary for said court at Newport.

City to provide courthouse, &c.

1856.

§ 8. The terms of said court at Newport shall be commenced on the second Mondays of February and August, and continue, each, twelve juridical days.

Approved February 27, 1856.

CHAPTER 205.

AN ACT to change the time of holding the Quarterly Courts in the counties of Barren and Monroe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly courts in Barren and Monroe.

That hereafter the Quarterly Court in Barren county shall commence on the Tuesday after the third Monday in February, May, and August, and on the first Monday in December; and in Monroe county on Tuesday after the fourth Monday in each month in which said court is now required by law to be held.

Approved February 27, 1856.

CHAPTER 206.

AN ACT to change the time of holding the Owsley Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly court in Owsley.

That from and after the passage of this act the Quarterly Court of Owsley county shall be held upon the Tuesday after the second Monday in the months of January, April, July, and October in each year.

Approved February 27, 1856.

CHAPTER 212.

AN ACT to amend the law regulating the sale of spirituous, malt, and vinous liquors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Spirituos, malt, or vinous liquors not to be given, sold, or loaned to slaves by any person except the owner by written order.

Penalty for a violation.

§ 1. That it shall not be lawful for any person or persons in this commonwealth, either with or without a license, to sell, give, or loan to any slave or slaves, not under his or her control, any spirituous, malt or vinous liquors, unless it is done upon the written order of the owner or person having the legal control of the service, for the time being, of such slave or slaves; and the written order here meant shall clearly specify the quantity to be sold, given or loaned, the name of the slave or slaves, and shall be dated and signed; and such order shall only be good for the one sale, loan, or gift; and the persons

violating the provisions of this act shall be liable to pay the owner not less than twenty nor more than fifty dollars, or to be confined in the jail of the county, where such conviction is had, not less than thirty days nor more than six months, or may be both fined and imprisoned, at the discretion of a jury, for each offense, and also be liable for any actual damage sustained, to be recovered by suit in any court having jurisdiction. Physicians administering spirituous, malt or vinous liquors are excepted from the provisions of this act.

§ 2. It shall not be lawful for any owner or hirer of any slave or slaves, to give to his said slave or slaves any written order to purchase, borrow, or receive any spirituous, malt, or vinous liquors, to be used at any place or places other than on the premises, or at the house or houses of such owner or hirer, or to be brought and delivered to him or her in person, unless it be where the order is to a person who is authorized to sell by the drink, and the same is to be drunk at such place; any person violating the provisions of this section shall be liable to a fine of not less than twenty nor more than fifty dollars, at the discretion of a jury—which may be recovered before any court having jurisdiction to that amount.

§ 3. It shall not be lawful for any person, with or without license, to sell, give or loan to any free negro in this Commonwealth, any spirituous or vinous liquors, in any quantities whatever, to be carried off in vessels from the place of sale, unless such free negro shall first present to the person having license to sell, the certificate of some white person of respectable character, that the same is to be used for medicinal or mechanical purposes; any person violating the provisions of this section, either in selling, giving, or loaning, or in buying, borrowing, or receiving, or in giving a certificate, as aforesaid, which shall prove to be false, shall be fined in a sum of not less than twenty nor more than fifty dollars, at the discretion of a jury, for each offense.

§ 4. It shall be lawful, in suits or prosecutions under this act, to give in evidence the fact that the free negro or slave was seen within, or to come out of, the house of the owner or occupier, with a vessel, or any other thing, containing spirituous, malt, or vinous liquors, and also to prove that the free negro or slave was in, or came out of, said house intoxicated, or with any other evidences about him of having drank therein, as facts going to show that the liquor was sold or given him in such house, by the owner or occupier thereof.

§ 5. Any person who shall illegally sell, give, or loan any spirituous, malt, or vinous liquors to any free negro or slave, who is not under his or her control, shall, in addition to the penalties denounced above, and the damages

1856.

Physicians excepted.

Owner of slave not authorized to give order to any person but those authorized to sell by retail.

Penalty.

Liquor, &c., not to be sold, loaned, or given to a free negro without a certificate.

What facts may be given in evidence on the trial.

Additional penalties.

1856.

Persons keeping liquor for sale not to have slaves or free negroes employed to sell or give liquor to slaves.

Free negroes or slaves not to visit or remain about houses in which liquors are kept for sale

Penalty.

Other acts not repealed.
(a)

Commissioner may appoint deputies.

All the proof to be taken by commissioner and deputies.

that may be recovered from him or her, have his or her license declared forfeited by the court giving judgment against him or her, and judgment of forfeiture shall be entered by said court.

§ 6. It shall not be lawful for any person, keeping liquors for sale or about his premises, to suffer or permit any free negro or slave under his control to sell, give, or loan the same to any person or persons whatever, either with or without an order; nor shall it be lawful for any such person or persons to suffer or permit any free negro or slave, not in his employment or under his control, to frequent, visit or stay in or about his house, except by the permission, in writing, of the owner or hirer of such slave; and when the owner or hirer shall give such permission, and the owner or occupier of such house shall suffer or permit such slave or slaves to get spirituous, malt, or vinous liquors, and give, sell, or loan the same, in any quantities, to the slaves of others, and free negroes, both the owner and hirer, so giving his written permission, and the owner or occupier of the house, shall be liable to a fine of not less than twenty nor more than fifty dollars, at the discretion of a jury, to be recovered as above herein authorized.

§ 7. Nothing in this act shall be held or deemed as repealing any of the laws imposing penalties for the same or like offenses herein mentioned; and this act shall be in force from its passage.

Approved February 27, 1856.

CHAPTER 215.

AN ACT to regulate the duties of the Commissioner of the Louisville Chancery Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the Commissioner of the Louisville Chancery Court shall have the power of appointing, by and with the approval of the Chancellor of said court, as many deputies as the business thereof may require.

§ 2. That said Commissioner, and his deputies, shall take all proof in causes pending in said court in the city of Louisville and county of Jefferson, as now prescribed by law, and the rules of said court, and the fee allowed therefor shall be one dollar for each deposition, to be charged and taxed to the party taking the same, where the same does not exceed eight hundred words—if above that number of words, the fee shall be double that allowed clerks for ordinary copying.

(a) Section 4, article 3, chapter 93 of Revised Statutes, page 632, imposes a penalty of fifty dollars for giving, selling, or loaning liquor to a slave without a written order from the owner or person having control of the slave.

§ 3. That the commissioner of said court shall make all deeds and conveyances in said court, as now prescribed by law, and shall be allowed five dollars for making and executing each conveyance, to be paid by the grantor; and it shall be the duty of the Marshal of said court to proclaim this fact at the time of sale.

§ 4. That the fees of the Commissioner shall be collectable as fees of clerks are now collectable by law.

§ 5. That the commissioner shall be the accounting officer of said court, and shall keep an account of all funds paid into said court, under such rules and regulations as are now in force, or such as shall hereafter be prescribed by said court.

1856.

Deeds to be made by the commissioner. Fee.

How collected.

Commissioner to be the accounting officer of the court.

Approved February 27, 1856.

CHAPTER 219.

AN ACT authorizing Constables to execute process issuing from the Quarterly Courts in civil actions.

WHEREAS, doubts exist as to whether Constables have concurrent jurisdiction with Sheriffs in executing process in civil actions, issued from Quarterly Courts, over fifty dollars and under one hundred dollars: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act Constables shall have concurrent jurisdiction with Sheriffs in executing and collecting all process in civil actions issuing from the Quarterly Courts: *Provided*, That nothing in this act shall be so construed as to authorize an execution issuing from said courts to be levied on land.

Constables may execute process issuing from quarterly courts.

Approved February 27, 1856.

CHAPTER 236.

AN ACT declaring Miller's creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Miller's creek, in Estill county, be and the same is hereby declared a navigable stream from the Forks of the same, at the end of James Cob's corn field, to Elijah Herndon's mill.

Miller's creek navigable.

§ 2. That the owners of the land lying on said creek, from said Forks to the mouth of the creek, be and the same are hereby authorized and permitted to erect floating gates across said creek, of such kind and in such manner as may be easily opened by any person passing up or down said creek with canoes or other water crafts.

Floating gates may be erected.

Approved March 3, 1856.

1856.

CHAPTER 237.

AN ACT to change the time of holding the August term of the Laurel Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly court
in Laurel

That the August term of the Quarterly Court of Laurel county shall hereafter be held on Tuesday, after the first Monday in August in each year, instead of the time now provided by law; and that the May, November, and February terms of said court shall hereafter commence on the Thursday after the third Mondays in those months instead of the third Mondays as now provided by law; that the Judge of said Quarterly Court shall docket the cases for said court for as many days as he shall think necessary, and continue the court until the business shall be disposed of.

Approved March 3, 1856.

CHAPTER 241.

AN ACT for the benefit of Rowan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Donations of
land.

Assessors to
make returns to
Rowan county
court.

§ 1. That Isaac E. Johnson and E. H. Logan, or either of them, from and after the passage of this act, shall be authorized to receive donations of property of any kind, and hold the same in trust for the use and benefit of the county of Rowan, until said county shall have been organized under the act establishing the same, when the title to all such property shall vest in said county.

§ 2. That the Assessors of the respective counties out of which the county of Rowan is formed, shall, for the year 1856, make their returns for such of the property assessed by them, as lies within said county of Rowan, to the Clerk of the County Court of said county.

Approved March 3, 1856.

CHAPTER 242.

AN ACT to regulate the fees of Coroners.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fees of coro-
ners increased.
Rev. Stat. 350.

That the 9th article, chapter 38, of the Revised Statutes, entitled Fees, be and the same is hereby so amended as to allow Coroners, for taking an inquisition upon a dead body, a fee of six dollars, and all reasonable charges for burial expenses, upon his making out his written account and specifying each item; which fee and

charges shall be paid as prescribed in said 9th article.
This act to take effect from its passage.

1856.

Approved March 3, 1856.

CHAPTER 257.

AN ACT to change the time of holding the Warren and Edmonson Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Judge of Warren county shall, from and after the passage of this act, hold his Quarterly Courts on Tuesday after the fourth Monday in each month in which he is now authorized by law to hold said Quarterly Courts; and that the Judge of Edmonson County Court shall hold his Quarterly Courts on Tuesday after the first Monday in each month in which he is now authorized by law to hold said courts, and shall continue from day to day as now provided by law.

Warren Quarterly court-when to be held.

Edmonson Quarterly Court-when to be held.

Approved March 3, 1856.

CHAPTER 258.

AN ACT changing the time of holding the Shelby Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act the Judge of the Shelby County Court shall hold the quarterly terms of said court on the first Monday in March, June, September, and December, instead of the times as now fixed by law.

Shelby Quarterly Court.

Approved March 3, 1856.

CHAPTER 259.

AN ACT fixing the time of holding the Court of Claims for Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the second Monday of December in each year shall be the day for commencing the general financial term of the Bath County Court, and at which term of said court it shall be the duty of said court to require the Sheriff of said county to return his delinquent lists of revenue tax, county levy, and railroad and school tax; and at the same term it shall be the duty of said court to make a final settlement with said Sheriff on account of all his collections of revenue, railroad and school tax, and

Time of holding Court of Claims for Bath county.

LAWS OF KENTUCKY.

1856.

county levy, and to order the county levy for the ensuing year.

Approved March 3, 1856.

CHAPTER 263.

AN ACT to change the time of holding the Quarterly Courts of Henry County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Quarterly courts in Henry—when to be held.

§ 1. That the times of holding the Quarterly Courts for the county of Henry, be and they are hereby changed, so that said courts shall be hereafter held on the third Monday in the months of June, September, December, and March.

§ 2. This act not to take effect until the third Monday in June next.

Approved March 3, 1856.

CHAPTER 265.

AN ACT to change the time of holding the Lewis and Grayson Quarterly Courts.

Lewis Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the June and December terms of the Lewis Quarterly Court shall hereafter commence on the fourth Mondays in said months in each and every year.

§ 2. That the terms of the Grayson county Quarterly Court shall commence on the third Mondays in March, June, September, and December, in each year, instead of the time now fixed by law.

§ 3. This act shall take effect from the first day of June next.

Grayson Quarterly Court.

Approved March 3, 1856.

CHAPTER 266.

AN ACT to change the time of holding the Quarterly Courts of Hardin county.

Hardin Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the time of holding the Quarterly Court of Hardin county, be and the same is hereby changed to the fourth Mondays in July, October, January, and April.

§ 2. This act to take effect from and after the next August election.

Approved March 3, 1856.

LAWS OF KENTUCKY.

49

CHAPTER 263.

1856.

AN ACT for the benefit of the Kentucky Institution for the education of the Blind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty thousand dollars be and the same is hereby appropriated to "the Kentucky Institution for the Education of the Blind," to be paid to the order of the board of visitors of said institution, to enable them to finish the edifice erected by the State for said institution, and to erect the necessary out-buildings and improve the grounds thereof: *Provided*, That no other and further sum shall be appropriated to the completion of said buildings.

\$20,000 appro-
priated to finish
building.

§ 2. That the annual allowance for the support and education of the State pupils in said institution, be increased from and after the thirty-first day of March, 1856, to one hundred and forty dollars for each pupil.

Annual allow-
ance to state pe-
pils increased.

Approved March 3, 1856.

CHAPTER 273.

AN ACT to change the boundary line between the counties of Shelby and Oldham.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following described boundary, now constituting a part of the county of Shelby, shall hereafter constitute and be a part of the county of Oldham, to-wit: Beginning at Aikin's old horse mill, and running thence to a point on the old road from Shelbyville to Westport, so as to include in the county of Oldham the dwelling-houses of William Bennett, Nicholas Miller, J. A. Oglesby, Beverly Vincent, Thomas Vincent, and William McAlister; thence down said road to the present line between Oldham and Shelby counties; and the said boundary shall hereafter form a part of the county of Oldham.

Boundary line
between Oldham
and Shelby.

§ 2. That the County Courts for the counties of Shelby and Oldham shall, at their April terms, 1856, each appoint three Commissioners, whose duty it shall be, within twenty days after their appointment, to run and mark the change above mentioned; and they shall make out and return to each of said courts a report of said survey, which shall be recorded in the County Clerk's office of each county.

Commissioners
to mark bound-
ary line.

Approved March 3, 1856.

1856.

CHAPTER 274.

AN ACT to aid in removing free negroes from this State to Liberia.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation
to remove free
negroes to Li-
beria.

Governor, At-
torney General,
and Auditor con-
stituted a board
to carry act into
effect.

§ 1. That the sum of five thousand dollars be and the same is hereby appropriated, annually, to be paid out of the public treasury, under the restrictions hereinafter prescribed, to the Kentucky State Colonization Society, to be applied to the removal out of this State of negroes resident therein who are now free, and of such as may be born of them and be free.

§ 2. *Be it further enacted*, That the Governor, Attorney General, and Auditor of Public Accounts, for the time being, shall constitute a board to carry this act into effect. Whenever it shall satisfactorily be shown to them that a negro now free and a resident of this State, or born of such negro and free, shall be ready to embark for Liberia, in Africa, and that he has placed himself under the control of the Kentucky State Colonization Society, to be transported to Liberia, the said board shall certify these facts to the Auditor of Public Accounts, who shall forthwith issue his warrant on the treasury in favor of the society for the sum of seventy dollars for each such person over two years of age, which sum shall be applied to his removal to Liberia, and his support there for six months: *Provided*, That before such certificate shall be made, notice of the intended transportation shall be published at least two months in two newspapers at Frankfort. The said board shall be furnished by the society, or its agent, with a written statement containing the names and ages of the negroes for whose removal application has been made, the date of the application, and counties where they reside; and also of those who have been sent, with the counties where they resided, and the date, port, and vessel of sailing for Liberia. And the said board shall see that amongst the applicants preference be given to those of each county in proportion to their contribution to the fund.

§ 3. *And be it further enacted*, That the said society shall report to the Legislature at each session, how it has disposed of the moneys that may be drawn by virtue of this act.

Approved March 3, 1856.

CHAPTER 277.

AN ACT to repeal so much of an act, entitled, an act concerning the Auditor's office and Treasurer's office, as relates to the Treasurer's office.

1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of an act, entitled, "an act concerning the Auditor's office and Treasurer's office," as makes an allowance to the Treasurer of five hundred dollars per annum to enable him to employ the services of a clerk to aid him in the performance of his duties, be and the same is hereby repealed. This act to take effect from its passage.

Approved March 3, 1856.

CHAPTER 280.

AN ACT to amend the law in relation to appeals from Justices of the Peace to Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter appeals from the judgments of Justices of the Peace to the Quarterly Courts, in all cases where the amount in controversy shall be five dollars and over, may be had by either party, under the same rules and regulations as now exist as to appeals now authorized by law from judgments of Justices of the Peace to the Quarterly Courts.

Civ. Code, sec.
26 and 28.

§ 2. That so much of any former laws as gives appeals to the County Courts from judgments of Justices of the Peace, be and the same is hereby repealed.

Rev. Stat. 234.
(a)

Approved March 3, 1856.

CHAPTER 297.

AN ACT to increase the salary of the Register of the Land Office.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the salary of the Register of the Land Office be increased to the sum of seventeen hundred dollars per annum; which sum he is authorized to draw quarterly, from the treasury. All former appropriations for salary to the Register of said office are hereby repealed. This act to take effect from its passage.

Approved March 3, 1856.

(a) Section 26 of the Civil Code limited appeals from Justices of the Peace to the Quarterly Court to ten dollars. Art 20 of chapter 27 of the Revised Statutes, page 234, authorized appeals from Justices of the Peace to the County Courts where the amount in controversy is over four dollars and under sixteen dollars, and section 28 of the Civil Code gives jurisdiction to the County Courts of all matters conferred by the Revised Statutes or other statutes.

1856.

CHAPTER 299.

AN ACT declaring Contrary creek a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Contrary creek, in Lawrence county, be and the same is hereby declared a navigable stream, from its mouth to the main forks of the said creek. This act shall take effect from and after its passage.

Approved March 3, 1856.

CHAPTER 302.

AN ACT to regulate agencies of foreign Insurance Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful, after the first day of July, 1856, for any agent of any Insurance Company, not incorporated by the laws of this commonwealth, to take risks or transact any business of insurance in this State, without first obtaining a license from the Auditor of Public Accounts to carry on such business.

§ 2. Before the Auditor shall issue such license to any agent of any company incorporated by any State of the United States, there shall be filed in his office a copy of the charter of such company, and a statement made under the oath of its President or Secretary, showing its assets and liabilities, and distinctly showing the amount of its capital stock, and how the same has been paid, and of what the assets of the company consist, the amount of losses due and unpaid, losses adjusted and not due, losses in suspense and waiting for further proof, and losses, the payment of which is resisted, and for what cause, and all other claims against the company or other indebtedness, whether due or not due. And such statement shall show that the company is possessed of an actual capital of at least one hundred and fifty thousand dollars, either in cash or in safe investment, exclusive of stock notes. Upon the filing of the statement above provided, and furnishing the Auditor with satisfactory evidence of such capital, it shall be his duty to issue license to such agent or agents as the company may direct to carry on the business of insurance in this State.

§ 3. Before the Auditor shall issue license to any agent of any insurance company incorporated by any foreign government, or any association or partnership acting under the laws of any foreign government, there shall be filed in his office, a statement setting forth the act of incorporation or charter, or the articles of association, or by-laws, under which they act, and setting forth the matters

Agents of foreign insurance companies to obtain license.

Licenses to be issued by the Auditor.

Statement of the condition of the company to be filed.

required by the preceding section of this act, to be specified; and satisfactory evidence shall be furnished to the Auditor that such company has on deposit in the United States, or has invested in the stocks of some one or more of the States or of the United States, or in some safe dividend paying stocks in the United States, the sum of one hundred and fifty thousand dollars; which statement shall be verified by the oath of the President of such company, its general agent in the United States, or the agent applying for such license; and upon due filing of such statement and furnishing the Auditor with satisfactory evidence of such deposit or investment, it shall be his duty to issue license to the agent or agents applying for the same.

§ 4. The statements required by the foregoing sections shall be renewed in each year thereafter, either in the month of January or July, and the Auditor on being satisfied that the capital or deposit consisting of cash, securities or investments, as provided in this act, remain secure to the amount of one hundred and fifty thousand dollars, shall renew such license.

Statements to be renewed every year.

§ 5. Every agent obtaining such license or renewal thereof, as required by this act, shall, before transacting any business of insurance in this State, file in the office of the Clerk of the County Court, in which he or they may desire to carry on the business of the agency, a copy of the statement required to be filed with the Auditor, and a copy of the license, which shall be carefully preserved by the Clerk, for public inspection; and such agent or agents shall also cause such statement and license to be published in some newspaper of general circulation in the county, for at least two successive weeks; and in case of a renewal, shall, in like manner, file in the office of the Clerk of the County Court a copy of such renewed statement and license, and cause the same to be published within thirty days after it shall be filed with the Auditor.

Copy thereof to be filed in clerk's office.

§ 6. The statements required by the foregoing sections shall be made up to a period within six months preceding the filing of the same with the Auditor.

To be made up within a period of six months.

§ 7. If at any time after the filing of the statements by this act required, it shall be made to appear to the Auditor that the available capital of any such company has been reduced by misfortune, or otherwise, below the sum of one hundred and fifty thousand dollars, it shall be his duty to revoke the license or licenses granted to any agent or agents of such company.

License may be revoked.

§ 8. Any person who shall deliver any policy of insurance, or collect any premium for insurance, or transact any business of insurance in this State for any company not incorporated by the law of this State, without having obtained license as by this act required, or who shall in any way violate the provisions of this act, shall be fined

Penalty for acting without license.

1856.

Suit may be instituted in any county where the agent may be found.

Fee to Auditor for issuing license.

Clerk not to issue fee bills for copy of record unless ordered

Penalty for permitting record to be taken from office.
Rev. Stat. 181 and 244.

Who deemed pedlers.

for every such offense, not less than one hundred, nor more than five hundred dollars, at the discretion of a jury: *Provided further*, That it shall and may be lawful for any person who has sustained loss of property in this State, which was insured, to sue any such insurance company, in any county in this State, where its agent may be found, upon his refusal to pay for the property so insured, and which was destroyed; and any judgment, so recovered, shall be conclusive evidence of the indebtedness of the insurance company: *And provided further*, That nothing contained in this section shall release any such company or companies upon any policy issued and delivered by it or them.

§ 9. For any license issued by the Auditor, under this act, and for each renewal thereof, he shall be paid by the company taking out such license or renewal, the sum of two dollars and fifty cents.

Approved March 3, 1856.

CHAPTER 321.

AN ACT to regulate the office of Clerk of the Court of Appeals.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for the Clerk of the Court of Appeals to issue his fee-bill for the price of a copy of a record in any appeal case, or in any manner to attempt to collect such price, unless the copy be ordered by a party to the record who is interested in the case, his agent or attorney, and actually made out correctly, in pursuance of such order.

§ 2. It shall not be lawful for said clerk to permit any record to be taken out of his office on any occasion upon which it is not required to be taken out by law; and for any violation of this act, the said officer shall be fined in a sum not less than ten dollars, nor more than one hundred dollars, and shall be liable to the party injured by such violation, to the amount of the injury, recoverable by a civil action.

Approved March 3, 1856.

CHAPTER 328.

AN ACT to amend the several acts in relation to Pedlers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all itinerant persons vending goods, wares, and merchandise, clocks, jewelry, gold, silver, or plated ware, spectacles, drugs, nostrums, perfumes, or any other thing,

or vending or offering to vend, goods, wares, and merchandize, or other thing, by sample, which is not the product or manufacture of this State; or any person or persons who shall, under color of *bona fide* merchants, take up a temporary residence in any one of the towns or cities of this Commonwealth, for the purpose of disposing of their goods, wares, and merchandize, of whatsoever kind, either at auction, or retail at cost, shall be deemed peddlers.

§ 2. That all laws authorizing persons to get out a State license to peddle, are hereby repealed.

§ 3. That any person, before he shall presume to sell or peddle any of the above enumerated articles in this State, shall obtain from the County Court Clerk of each county in which he may wish to peddle, a license to peddle his goods, wares, and merchandize, for twelve months from the date of such license—which license shall authorize him to peddle in such county, and no other—and for which license, the clerk granting the same is hereby required to collect, from the person to whom the license is granted, the sum of ten dollars for each and every one hundred voters in the county, as a tax, to be accounted for and paid into the treasury by said clerk, as other taxes collected by him are required to be paid, and fifty cents as a fee for said license, to be retained by the clerk granting the same: *Provided*, That no license to peddle shall be granted by the clerk until he is satisfied that the applicant is a person of good moral character.

§ 4. The clerk shall give a description in the license, of the person to whom it issues; and it shall authorize the person alone, to whom it is granted, to peddle under it; and the same shall not be transferable.

§ 5. Any person offering to sell or peddle any of the above enumerated articles, or other things, as herein contemplated, without first obtaining a license so to do, as before prescribed, shall be deemed guilty of a high misdemeanor, and shall, on conviction thereof, on indictment in the Circuit Court, be fined in any sum not less than fifty nor more than one hundred and fifty dollars.

§ 6. If any person deemed a pedler under this chapter, shall offer to sell any commodity or thing whatever, under the license of another, as before provided for, he shall be fined not less than fifty nor more than hundred and fifty dollars, recoverable as before provided; and in all cases of selling under the license of another, the description in such license of the person to whom it issues, when it varies from the description of the holder, shall be conclusive evidence against such person, unless it can be established, beyond doubt, by the clerk who issued the license, or by other satisfactory testimony, that he is the identical person to whom said license was issued.

1856.

Laws authorizing a State license repealed.

License to be obtained from Clerk of County Court.

Description of the person to be inserted in license.

Penalty for selling without license.

Penalty for selling under a license from another.

1856.

Process issued under this act to be against the body of the defendant.

May replevy the fine.

Duties of county and city officers under this act.

Fines and forfeitures to be paid to jury fund.

Act to be given in charge to Grand Jury.

Not to affect local laws.

All laws inconsistent with this act repealed.

Residence of one year in the county a prerequisite to obtaining license.

License may be obtained to sell or distribute books.

§ 7. All process issued under this chapter, shall be against the body of the defendant, in the name of the Commonwealth, on which shall be indorsed that the defendant may be admitted to reasonable bail, to be fixed by the court having jurisdiction of the same, for his personal appearance at the trial; the bail shall be not only bound for the appearance of the defendant, but also for whatever fine and costs may be adjudged against the defendant in case he does not appear; when the defendant appears at the trial, and is fined by the court or officer, he shall stand committed to the jail of the county until the fine and costs are paid; the defendant, however, may be permitted to replevy said fine and costs for three months, as other fines are now authorized to be replevied, by giving good security. A *capias ad satisfaciendum* may issue upon all judgments authorized by this chapter, and upon replevin bonds taken under the same.

§ 8. It shall be the duty of County Court Judges and Clerks, Sheriffs, Constables, Justices of the Peace, Police Judges and Town Marshals, Mayors, City Judges and Marshals, and Policemen, to see that this chapter is complied with, and to ferret out all persons suspected of violating the same; and to this end power is given them, and they are hereby required, to demand of all persons suspected of peddling, the production of their license, and on failure to produce the same, this fact shall be conclusive evidence against such person that they have no license.

§ 9. All fines and forfeitures under this chapter shall go in aid of the jury fund of the respective counties where imposed, and are to be paid over to the trustee of the jury fund, and be accounted for, and collection enforced in the same manner that other fines are now required to be paid over.

§ 10. The several Judges of this Commonwealth shall, at each court held by them, give this chapter in charge to the Grand Jury.

§ 11. Nothing herein contained shall affect any local laws in relation to cities or towns.

§ 12. All laws inconsistent with the provisions of this chapter are hereby repealed. This act shall take effect from and after the first day of June, 1856.

§ 13. That no county license shall be granted to any person to peddle, unless such person shall have resided in the county one year next preceding his application for such license.

§ 14. When any citizen of this State shall desire to sell and distribute books, pamphlets, tracts, or papers, it shall be the duty of the Presiding Judge of the county in which such citizen may reside, to give him a license for such purposes, upon being satisfied that the applicant is a man of good moral character; and the applicant shall

pay the clerk, who makes out for him the license, in pursuance of the order of the Judge, one dollar, and the clerk shall attach the county seal to the license.

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Approved March 4, 1856.

CHAPTER 332.

AN ACT fixing the time of holding the Chancery and Criminal Courts in the 1st Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the times and places of holding the terms of the Chancery and Criminal Courts in the first Judicial district, under an act creating the office of Chancellor, shall be as follows, to-wit:

In the county of Fulton, on the second Mondays in December and June, and continue, each, twelve juridical days.

Fulton.

In the county of Hickman, on the fourth Mondays in December and June, and continue, each, twelve juridical days.

Hickman.

In the county of Ballard, on the second Mondays in January and July, and continue, each, twelve juridical days.

Ballard.

In the county of McCracken, on the fourth Mondays in January and July, and continue, each, eighteen juridical days.

McCracken.

In the county of Graves, on the third Mondays in February and August, and continue, each, twelve juridical days.

Graves.

In the county of Marshall, on the first Mondays in March and September, and continue, each, twelve juridical days.

Marshall.

In the county of Calloway, on the third Mondays in March and September, and continue, each, twelve juridical days.

Calloway.

In the county of Livingston, on the first Mondays in April and October, and continue, each, twelve juridical days.

Livingston.

In the county of Lyon, on the third Mondays in April and October, and continue, each, six juridical days.

Lyon.

In the county of Crittenden, on the fourth Mondays in April and October, and continue, each, twelve juridical days.

Crittenden.

In the county of Union, on the second Mondays in May and November, and continue, each, twelve juridical days.

Union.

§ 2. The clerks of the several Circuit Courts of said district shall perform the duties of clerk of the courts

1856.

named in this act, and the salary of the chancellor shall be paid quarterly from the treasury.

§ 3. All laws coming within the purview of this act are hereby repealed.

Approved March 4, 1856.

CHAPTER 335.

AN ACT to change the time of holding the Court of Claims in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the time for holding the Court of Claims in Madison county, be and the same is hereby changed from the first Monday of October to the first Monday of May in each year: *Provided, however,* That there shall be no Court of Claims held in said county in the year 1856, but the first Court of Claims hereafter in said county shall be held on the first Monday of May in the year 1857.

Approved March 5, 1856.

CHAPTER 338.

AN ACT to amend section 17, article 4, chapter 47 of Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the provisions of section 17, article 4, chapter 47, of the Revised Statutes, shall not apply to conveyances made before the passage of said statute, in which powers of sale and exchange are expressly given; but such powers may be executed according to the intention of the deed, notwithstanding said statute.

Approved March 3, 1856.

Rev. Stat. 395,
sec. 17; 694, sec.
4
(a)

(a) The section of the Revised Statutes amended by this act is as follows:
"§ 17. If real or personal estate be hereafter conveyed or devised for the separate use of a married woman, or for that of an unmarried woman, to the exclusion of any husband she may thereafter have, she shall not alienate such estate with or without the consent of any husband she may have; but may do so, when it is a gift, by the consent of the donor or his personal representative. Such estates, heretofore created, shall not be sold or encumbered but by order of a court of equity, and only for the purpose of exchange and reinvestment, for the same use as that of the original conveyance or devise; and the court shall see that the exchange or reinvestment is properly made."

See act of March 10, 1854, chapter 948, volume 1 of Session Acts.

CHAPTER 341.

1856.

AN ACT regulating the time of holding the Circuit Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Circuit Courts for the several counties in each of the thirteen Circuit Court juridical districts in this Commonwealth, shall commence in the counties at the times hereinafter specified, and be held the number of juridical days allotted to each term, if the business of the court shall require it, viz:

FIRST DISTRICT.

In the county of Fulton, on the first Mondays in March and September, and continue, each, twelve juridical days.

Fulton.

In the county of Hickman, on the third Mondays in March and September, and continue, each, twelve juridical days.

Hickman.

In the county of Ballard, on the first Mondays in April and October, and continue, each, twelve juridical days.

Ballard.

In the county of McCracken, on the third Mondays in April and October, and continue, each, eighteen juridical days.

McCracken.

In the county of Marshall, on the second Mondays in May and November, and continue, each, twelve juridical days.

Marshall.

In the county of Calloway, on the fourth Mondays of May and November, and continue, each, twelve juridical days.

Calloway.

In the county of Graves, on the second Mondays in June and December, and continue, each, twelve juridical days.

Graves.

In the county of Livingston, on the fourth Monday in June and first Monday in January, and continue, each, six juridical days.

Livingston.

In the county of Lyon, on the first Monday in July and second Monday in January, and continue, each, twelve juridical days.

Lyon.

In the county of Crittenden, on the third Monday in July and fourth Monday in January, and continue, each, twelve juridical days.

Crittenden.

In the county of Union, on Tuesday after the first Monday in August and the second Monday in February, and continue the first, seventeen, and the second, twelve juridical days.

Union.

SECOND DISTRICT.

In the county of Trigg, on the last Mondays in February and August, and continue, each, twelve juridical days.

Trigg.

In the county of Caldwell, on the second Mondays in

Caldwell.

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March and September, and continue, the March term, eighteen juridical days, the September term, twelve juridical days.

In the county of Christian, on the first Monday in April, and the last Monday in September, and continue, each, eighteen juridical days. A term for the trial of equity causes shall also be held in the county of Christian, commencing on Tuesday after the first Monday in August, and continue eleven juridical days.

Christian.

In the county of Todd, on the fourth Monday in April, and third Monday in October, and continue, each, twelve juridical days.

Todd.

In the county of Muhlenburg, on the second Monday in May, and continue twelve juridical days, and first Monday in November, and continue six juridical days. A term for the trial of equity causes, shall be held in the county of Muhlenburg, to commence on the third Monday in August, in each year, and continue five juridical days.

Muhlenburg.

In the county of Hopkins, on the fourth Monday in May and third Monday in November, and continue, each, twelve juridical days.

Hopkins.

In the county of Henderson, on the second Monday in June, and first Monday in December, and continue, each, twenty-four juridical days.

Henderson.

THIRD DISTRICT.

In the county of Hancock, on the last Mondays in February and August, and continue, each, six juridical days.

Hancock.

In the county of Daviess, on the first Mondays in March and September, and continue, each, twelve juridical days; also, on the fourth Monday in June, and continue six juridical days, for the trial of equity, criminal and penal causes.

Daviess.

In the county of McLean, on the third Mondays in March and September, and continue, each, six juridical days.

McLean.

In the county of Ohio, on the fourth Mondays in March and September, and continue, each, twelve juridical days.

Ohio.

In the county of Breckinridge, on the second Mondays in April and October, and continue, each, twelve juridical days.

Breckinridge.

In the county of Grayson, on the fourth Mondays in April and October, and continue, each, six juridical days.

Grayson.

In the county of Larue, on the first Mondays in May and November, and continue, each, six juridical days.

Larue.

In the county of Hardin, on the second Mondays in May and November, and continue, each, twelve juridical days. There shall also be held a term for the trial of equity, criminal and penal causes, in Hardin county, commencing on the second Monday in July, and continuing twelve juridical days.

Hardin.

In the county of Meade, on the fourth Mondays in May and November, and continue, each, twelve juridical days.

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Meade.

FOURTH DISTRICT.

In the county of Logan, on the fourth Monday in February, and Tuesday after the first Monday in August, and continue, the first term eighteen, the second term seventeen juridical days.

In the county of Simpson, on the third Monday in March, and the fourth Monday in August, and continue, each, twelve juridical days.

In the county of Allen, on the first Monday in April and second Monday in September, and continue, each, twelve juridical days.

In the county of Monroe, on the third Monday in April and the fourth Monday in September, and continue, each, six juridical days.

In the county of Barren, on the fourth Monday in April, and continue thirty juridical days, and on the first Monday in October, and continue twenty-four juridical days.

In the county of Edmonson, on the first Mondays in June and November, and continue, each, six juridical days.

In the county of Butler, on the second Mondays in June and November, and continue, each, six juridical days.

In the county of Hart, on the third Mondays in June and November, and continue, the June term eighteen, and the November term, twelve juridical days.

In Warren county, on the second Monday in July and the first Monday in December, and continue, each, eighteen juridical days.

FIFTH DISTRICT.

In the county of Nelson, on the fourth Mondays in February and August, and continue, each, twelve juridical days. There shall be also held, in the county of Nelson, a term for the trial of equity, criminal and penal causes, commencing on the second Monday in June, and continuing twelve juridical days.

In the county of Washington, on the second Mondays in March and September, and continue each, twelve juridical days. For the trial of equity, criminal and penal causes, in Washington county, a term shall be held, commencing on the fourth Monday in June, and continuing twelve juridical days.

In the county of Green, on the fourth Mondays in March and September, and continue, each, twelve juridical days. For the trial of equity, criminal and penal causes, in Green county, there shall be held a term, commencing on the second Monday in July, and continuing six juridical days.

In the county of Mercer, on the second Mondays in

Logan.Simpson.Allen.Monroe.Barren.Edmonson.Butler.Hart.Warren.Nelson.Washington.Green.Merer.

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April and October, and continue, each, twelve juridical days. For the trial of equity, criminal and penal causes, there shall be held a term, for Mercer county, commencing on the third Monday in July, and continuing twelve juridical days.

Taylor.

In the county of Anderson, on the fourth Mondays in April and October, and continue, each, twelve juridical days. For the trial of equity, criminal and penal causes, in Anderson county, there shall be held a term, commencing on the second Monday in August, and continuing six juridical days.

Marion.

In the county of Taylor, on the second Mondays in May and November, and continue, each, twelve juridical days. In the county of Marion, on the fourth Mondays in May and November, and continue, each, twelve juridical days. Also, for the trial of equity, criminal and penal causes, a term commencing on the third Monday in August, and continuing six juridical days.

Boyle.

In the county of Boyle, on the first Monday in February and Tuesday after the first Monday in August, and continue, the first term twelve, and the second eleven juridical days.

Garrard.

In the county of Garrard, on the third Mondays in February and August, and continue, each, twelve juridical days. Also, a term for trial of equity, criminal, and penal causes shall be held in Garrard county, commencing on the first Monday in July, and continuing six juridical days.

Lincoln.

In the county of Lincoln, on the second Mondays in March and September, and continue, each, twelve juridical days.

Pulaski.

In the county of Pulaski, on the fourth Mondays in March and September, and continue, each, twelve juridical days. Also, a term for trial of equity, criminal and penal causes, shall be held in Pulaski county, commencing on the third Monday in July, and continuing six juridical days.

Wayne.

In the county of Wayne, on the second Mondays in April and October, and continue at the April term six, and at the October term twelve juridical days.

Clinton.

In Clinton county, on the third Monday in April, and the fourth Monday in October, and continue, each, six juridical days.

Russell.

In Russell county, on the fourth Monday in April, and first Monday in November, and continue, each, six juridical days.

Casey.

In Casey county, on the first Monday in May, and the second Monday in November, and continue, each, six juridical days.

SIXTH DISTRICT.

In Adair county, on the third Monday in May, and third Monday in November, and continue, each, twelve juridical days. Also, a term for trial of equity, criminal, and penal causes, shall be held in Adair county, commencing on the fourth Monday in July, and continuing six juridical days.

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Adair.

Cumberland.

In Cumberland county, on the first Mondays in June and December, and continue, each, twelve juridical days.

SEVENTH DISTRICT.

In Jefferson county, on the second Monday in January, the first Monday in May, and the second Monday in October, and continue at the January and May terms, each, forty-two, and at the October term forty-eight juridical days.

Jefferson.

In Bullitt county, on the first Monday in March, and the third Monday in August, and continue, at the March term six, and at the August term twelve juridical days.

Bullitt.

In Shelby county, on the second Monday in March, and the fourth Monday in September, and continue, each, twelve juridical days. Also, a term for trial of equity causes, shall be held in Shelby county, commencing on the first Monday in July, and continuing six juridical days.

Shelby.

In Oldham county, on the fourth Monday in March, and the third Monday in September, and continue, each, six juridical days.

Oldham.

In Spencer county, on the second Mondays in April and September, and continue, each, six juridical days.

Spencer.

EIGHTH DISTRICT.

In Franklin county, on the first Mondays in March and October, and continue, each, eighteen juridical days; also, on the second Monday in July, and continue twelve juridical days.

Franklin.

In Carroll county, on the fourth Mondays in March and August, and continue, each, six juridical days.

Carroll.

In Henry county, on the first Mondays in April and September, and continue, the April term twelve, and the September term six juridical days.

Henry.

In Boone county, on the third Monday in April and the second Monday in September, and continue, each, twelve juridical days.

Boone.

In Owen county, on the first Monday in May, and the second Monday in November, and continue, each, twelve juridical days.

Owen.

In Gallatin county, on the third Monday in May, and the fourth Monday in September, and continue, each, six juridical days.

Gallatin.

In Grant county, on the fourth Mondays in May and October, and continue, each, twelve juridical days.

Grant.

In Trimble county, on the third Monday in June, and the fourth Monday in November, and continue, each, six juridical days.

Trimble.

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Bracken.

Kenton.

Pendleton.

Harrison.

Campbell.

Rowan.

Fleming.

Nicholas.

Mason.

Greenup.

Lewis.

Powell.

Montgomery.

NINTH DISTRICT.

In the county of Bracken, on the fourth Mondays in February and August, and continue, each, twelve juridical days.

In the county of Kenton, at Covington, on the second Mondays in March and September, and continue, each, thirty juridical days. At Independence, in the same county, on the second Mondays in June and December, and continue, each, six, juridical days.

In the county of Pendleton, on the third Mondays in April and October, and continue, each, twelve juridical days.

In the county of Harrison, on the first Mondays in May and November, and continue, each, eighteen juridical days.

In the county of Campbell, at the court house in Alexandria, on the fourth Mondays in May and November, and continue, each, twelve juridical days. In Newport, at the court house in same county, on the second Mondays in February and August, and continue, each, twelve juridical days.

TENTH DISTRICT.

In the county of Rowan, on the fourth Mondays in February and August, and continue, each, six juridical days.

In the county of Fleming, on the first Mondays in March and September, and continue, each, twelve juridical days. Also, a term for the trial of equity and criminal causes, shall be held in Fleming county, on the second Monday in July, and continue six juridical days.

In the county of Nicholas, on the third Mondays in March and September, and continue, each, twelve juridical days. Also, a term for the trial of equity causes shall be held in Nicholas county on the third Monday in December, and continue six juridical days.

In the county of Mason, on the first Mondays in April and October, and continue, each, thirty juridical days ; and on the fourth Monday in July, and continue twenty-four juridical days.

In the county of Greenup, on the second Mondays in May and November, and continue, each, eighteen juridical days ; also, on the third Monday in July, and continue six juridical days, for the trial of equity causes.

In the county of Lewis, on the first Mondays ensuing the spring and fall terms of the Greenup Circuit Court, and continue, each, twelve juridical days.

ELEVENTH DISTRICT.

In the county of Powell, on the first Mondays in March and September, and continue, each, six juridical days.

In the county of Montgomery, on the second Mondays

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in February and August, and continue, each, twelve juridical days; also, on Tuesday after the second Monday in June, and continue eleven juridical days, for the trial of equity, criminal, and penal causes.

In the county of Bath, on the third Mondays in March and September, and continue, each, twelve juridical days.

In the county of Carter, on the first Mondays in April and October, and continue, each, six juridical days.

In the county of Lawrence, on the first Mondays ensuing the spring and fall terms of the Carter Circuit Court, and continue, each, six juridical days.

In the county of Johnson, on the first Mondays ensuing the spring and fall terms of the Lawrence Circuit Court, and continue, each, six juridical days.

In the county of Pike, on the first Mondays ensuing the spring and fall terms of the Johnson Circuit Court, and continue, each, six juridical days.

In the county of Floyd, on the first Mondays ensuing the fall and spring terms of the Pike Circuit Court, and continue, each, twelve juridical days.

In the county of Morgan, on the first Mondays ensuing the spring and fall terms of the Floyd Circuit Court, and continue, each, twelve juridical days.

TWELFTH DISTRICT.

In the county of Rockcastle, on the last Monday in February, and continue twelve juridical days, and Wednesday after the first Monday in August, and continue nine juridical days.

In the county of Laurel, on the second Monday in March and third Monday in August, and continue, the March term twelve, and the August term six juridical days.

In the county of Whitley, on the fourth Mondays in March and August, and continue six juridical days. Where there are five Mondays in either of said months, the term in such month shall continue twelve juridical days.

In the county of Knox, on the first Mondays in April and September, and continue, each, twelve juridical days.

In the county of Harlan, on the first Tuesdays after the third Mondays in April and September, and continue ten juridical days.

In the county of Letcher, on the second Mondays succeeding the terms of the Harlan Circuit Court, and continue, each, six juridical days.

In the county of Perry, on the Mondays next ensuing the terms of the Letcher Circuit Court, and continue, each, six juridical days.

In the county of Breathitt, on the the third Mondays in May and October, and continue, each, six juridical days. When there are five Mondays in either April or September, the Breathitt Circuit Court shall begin the second

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Bath.

Carter.

Lawrence.

Johnson.

Pike.

Floyd.

Morgan.

Rockcastle.

Laurel.

Whitley.

Knox.

Harlan.

Letcher.

Perry.

Breathitt.

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Monday following such fifth Monday, and continue twelve juridical days.

Estill.

In the county of Estill, on Tuesdays after the fourth Mondays in May and October, and continue, each, eleven juridical days.

Owsley.

In the county of Owsley, on the second Mondays after the commencement of the terms of the Estill Circuit Court, and continue, each, twelve juridical days.

Clay.

In the county of Clay, on the second Mondays after the commencement of the terms of the Owsley Circuit Court, and continue, each, twelve juridical days.

THIRTEENTH DISTRICT.

Fayette.

In the county of Fayette, on the first Monday in February and the second Monday in August, and continue, at the February term, twenty-four, and at the August term, eighteen juridical days. Also, on the second Monday in June, and continue twelve juridical days, for the trial of equity, criminal, and penal causes.

Jessamine.

In the county of Jessamine, on the first Mondays in March and September, and continue, each, twelve juridical days.

Madison.

In the county of Madison, on the third Mondays in March and September, and continue, each, twelve juridical days. Also, on the fourth Monday in June, and continue six juridical days, for the trial of equity, criminal, and penal causes.

Woodford.

In the county of Woodford, on the first Mondays in April and October, and continue, each, twelve juridical days.

Bourbon.

In the county of Bourbon, on the third Mondays in April and October, and continue, each, twelve juridical days. Also, on the second Monday in July, and continue six juridical days, for the trial of equity, criminal, and penal causes.

Clarke.

In the county of Clarke, on the first Mondays in May and November, and continue, each, twelve juridical days. Also, on the third Monday in July, and continue six juridical days, for the trial of equity, criminal, and penal causes.

Scott.

In the county of Scott, on the third Mondays in May and November, and continue, each, twelve juridical days.

Where courts to be held.

§ 2. The foregoing courts shall be held at the court house in the several counties, and at the places designated in this act; and all enactments with regard to Circuit Courts, and Circuit Judges, (including the act fixing the salary of Circuit Judge,) contained in the Revised Statutes, or any existing statute of this State, shall apply to the foregoing courts and the Judges thereof, so far as consistent with the provisions of this act, and an act passed at the present session of this General Assembly, entitled, "an act to divide the State into thirteen judicial districts."

§ 3. All acts inconsistent with the provisions of this act and the act last aforesaid, shall be repealed to the extent of such inconsistency, when these acts shall take effect.

§ 4. This act shall take effect on the first Monday in August, 1856: *Provided*, That, if from any cause, any Judge elected upon the first Monday in August, 1856, fails to attend the term of his court next ensuing the said first Monday in August, or from any cause cannot preside, then the bar of such court shall elect a Judge for that term, in the manner provided by the statutes of this State: *And provided*, That any term of any court, in session at the time this act takes effect, shall proceed in all respects as if this act had not been passed. The return of process shall be controlled by this act, and Clerks in issuing, and Sheriffs in returning process for any term commencing after the said first day of August, shall conform to any changes in the time of holding court, made by this act.

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Repealing clause.
When act to take effect.

Approved March 5, 1856.

CHAPTER 366.

AN ACT to amend the act incorporating the Henderson and Nashville Railroad Company, approved March 4th, 1850.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the 32nd section of the act, entitled, "an act to amend and re-enact an act, entitled, an act to incorporate the Henderson and Nashville Railroad Company, approved February 8th, 1837," approved March 4, 1850, be and the same hereby is amended as follows: Where any assessment of damages for the right of way has been, or shall hereafter be made, as provided in said section, it shall be lawful for either of the parties, the person whose land has been condemned, or the said company, to prosecute an appeal to the Court of Appeals, at any time within three years from the time such assessment was made, for the correction of any errors that may have been made to the prejudice of the party appealing.

Appeals may be prosecuted within 3 years.

Approved March 6, 1856.

CHAPTER 369.

AN ACT to relieve Common School Districts not regularly reported.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in all cases where common schools shall have been taught regularly heretofore for three months in the year, under the provisions of the common school law, and

Where schools have been taught and reports have been made trustees may re-

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port and receive
their share of
fund.Fractions of
time may be
made up by 1st
May, 1856.One of what
fund payment
to be made.Surplus to be
retained.

which have not been regularly reported on account of accidents or mistakes, and have not received their due proportion of the school fund, they shall receive the same upon their making, in due form, proper report at any time prior to the first day of May, 1856; and upon such report, and on full proof made of such accident or mistake, the Superintendent of Public Instruction shall certify and countersign, as would be his duty in case the report had been made in due time.

§ 2. That in all cases where schools have been regularly organized under the common school laws, and teachers employed for three months, but from accident have been prevented from continuing for three months, and the school was kept a portion of the time for the year ending on the 10th November, 1855, or for any previous year, they shall, upon their completing at any time before the 1st May, 1856, the full term of three months, including the time the school was taught in the past school year, be entitled to draw, of the school fund, such portion as they would have been entitled to, if they had been taught regularly for three months continuously in the past school year; and shall also be entitled to the benefit of the additional three months tuition in the present school year.

§ 3. That the payments to be allowed and made under this act, shall be made out of any surplus of the income of the school fund for the county, and for cities where schools are separately organized by law, that may hereafter arise; and if that be not sufficient for all the districts of such county or city, entitled under this act, the said surplus shall be distributed *pro rata* among them.

§ 4. That the surplus appearing in favor of counties shall be retained for the purpose of satisfying the provisions of this act, and the balance only shall be invested in bonds after the said first day of May next.

§ 5. This act shall take effect from its passage.

Approved March 6, 1856.

CHAPTER 370.

AN ACT to sell the stone owned by the State on Licking river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President of the Board of Internal Improvement, be and he is hereby authorized to sell and dispose of any stone the State now owns on the Licking river: *Provided*, The same shall be advertised in one or more newspapers in the cities of Louisville and Covington, at least thirty days previous to the day of sale. The proceeds of said sale shall go into and compose a part of the

sinking fund. This act shall take effect from its passage.

1856.

Approved March 8, 1856.

CHAPTER 371.

AN ACT for the benefit of Turnpike Roads in which the State is a stockholder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of the Revised Statutes, under the head of "Board of Internal Improvement," as is to be found on page 424, section 18, as applies to slack water navigation, shall also apply to all the turnpike roads in this State in which the State is a stockholder.

Rev. Stat. 424
sec. 18.

Approved March 8, 1856.

CHAPTER 373.

AN ACT to change the time of holding the Breckinridge and Ohio Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the terms of the Breckinridge Quarterly Court shall hereafter commence on the second Mondays in March, June, September, and December, instead of the time now fixed by law.

Breckinridge.

§ 2. That the terms of the Ohio Quarterly Court shall hereafter commence on the third Mondays in January, April, July, and October, instead of the time now fixed by law.

Ohio.

§ 3. This act to take effect on the first day of June next.

Approved March 6, 1856.

CHAPTER 374.

AN ACT to change the time of holding the Quarterly Courts in the counties of Knox and Harlan.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the March, June, September, and December terms of the Quarterly Court in the counties of Harlan and Knox shall hereafter commence and be held on the second Monday in each of the months aforesaid, and continue as long as the business of said court at each term may require, in each of said counties.

Approved March 6, 1856.

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CHAPTER 375.

AN ACT for the benefit of the President of the Board of Internal Improvement.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of three hundred dollars be paid in addition to the salary of the President of the Board of Internal Improvement, per annum.

Approved March 8, 1856.

CHAPTER 393.

AN ACT to fix the time of holding the Quarterly Court in Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Quarterly Court in Barren county shall commence on Tuesday after the third Monday in March, June, September, and December, in each year.

Approved March 7, 1856.

CHAPTER 395.

AN ACT for punishing negro stealing.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That if any person or persons shall hereafter steal, or aid and abet in the stealing of any negro slave, he or they shall, upon conviction thereof, be confined in the penitentiary not less than two years, and may, at the discretion of a jury, be so confined for life.

Approved March 8, 1856.

Rev. Stat. 634.
(a)Topographical
corps may be or-
ganized.

CHAPTER 399.

AN ACT to provide for the prosecution of the Geological, Mineralogical, Chemical, Topographical, and Agricultural Survey of the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Geologist be authorized to organize two Topographical corps, by and with the consent of the Governor—one to operate in the western division of the State, and one in the eastern division, in order to carry forward the Geological survey with as much dispatch as

(a) This is amendment to section 1, article 5, chapter 93, Revised Statutes, 634, which inflicted a punishment of confinement in the penitentiary not less than two nor more than twenty years.

is consistent with accuracy and minuteness, so as to develop the mineral resources of the State, and at the same time construct Geographical and Geological maps, showing its Geological and Topographical features—commencing such surveys in the mineral regions of the State.

§ 2. That chemical analyses shall be made of all ores, minerals, rocks, marls, and other materials of economical value; also of the soils derived from the different geological formations, or such as present peculiar agricultural interest; also, all natural waters to which medicinal or deleterious influences may be ascribed.

§ 3. It shall be the duty of the State Geologist and his assistants to continue the collection of all objects of geological, mineralogical, and scientific interest, to be placed in the State collection in the south-west room of the capital.

§ 4. It shall be the duty of the State Geologist to report, from time to time, to the Governor, all important discoveries, who shall lay the same before the people during the recess of the Legislature, in some public journal.

§ 5. It shall further be the duty of the State Geologist to make to the Governor a full geological report of the discoveries of, and the operations of the Geological corps, which report shall be printed and laid before the Legislature at their meeting in 1857 and 1858.

§ 6. It shall further be the duty of the State Geologist and the heads of the Geological corps to communicate such information as may be obtained by them to the citizens of the State.

§ 7. That for the purpose of carrying into effect this act the sum of ten thousand dollars per annum be, and the same is hereby appropriated, to be expended within the next two years under the direction of the Governor: *Provided, however,* That the principal Geologist shall not receive more than seven dollars, nor the assistants more than five dollars per day each for the time they are in actual service; and provided that the survey shall be carried forward simultaneously in the eastern and western mineral regions of the State, by the Topographical corps, while the Geological reconnaissance is extended over the counties not yet explored by the principal Geologist.

§ 8. *Be it further enacted,* That the principal Geologist, or such of his assistants as he shall authorize in writing, shall have access to the records, plats, profiles, maps, field-books and notes of all surveys of roads, canals, rivers, and railroads, which have or may hereafter be made, in this State, with full authority to make such copies or extracts from the same as shall be deemed useful and necessary for facilitating and expediting the Geological survey of the State.

1856.

Analyses of ores, &c., to be made.

Specimens to be collected.

Geologist to report to Governor.

Information to be communicated to citizens.

Appropriation per annum.

Geologist and assistants may have access to maps.

1856.

Session acts
1855-6, vol. 1, p.
75.

§ 9. That so much of an act, entitled, an act to provide for a Geological and Mineralogical survey of the State, approved March 6th, 1854, as is not inconsistent with the provisions of this act, be, and the same is hereby re-enacted.

Approved March 7, 1856.

CHAPTER 408.

AN ACT to prevent the destruction of fish, in the waters of the North Fork of Licking river, within Mason and Bracken counties, and North Elkhorn, in Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Fishing with
seine, &c., un-
lawful.

Penalty.

If fine is not
paid to be im-
prisoned.

§ 1. That hereafter it shall be unlawful for any person or persons, by means of any seine, drag-net, trap, or similar contrivance, to take or catch fish of any kind, in the waters of the North Fork of Licking river, within the boundaries of Mason and Bracken counties: *Provided*, That it shall be lawful to catch or take, in any manner, minnows or other small fish, *for bait*, but for no other purpose.

§ 2. Any person offending against the provisions of this act, shall be fined any sum not less than two, and not exceeding thirty dollars, in the discretion of a jury, recoverable by warrant before a Justice of the Peace or County Judge, or upon indictment or presentment by a grand jury, in the Circuit Court of the county within which the offense shall be committed.

§ 3. Any person convicted under this act, shall stand committed to the county jail until the fine and costs are actually paid, or satisfied by imprisonment at the rate of one day for each two dollars of the fine imposed. The provisions of this act shall apply to North Elkhorn, in Scott county.

Approved March 7, 1856.

CHAPTER 414.

AN ACT to repeal an act, entitled, an act to regulate the duties of the Christian County Court in laying the county levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, "an act regulating the duties of the Christian County Court in laying the levy," approved March 22nd, 1851, be and the same is hereby repealed.

Approved March 7, 1856.

CHAPTER 423.

AN ACT to amend the 5th section of article 7, chapter 93, Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That free negroes or slaves who may be guilty of the crime of burglary, shall be subject to all the pains and punishments inflicted by the fifth section of article 7, chapter 93, title, "slaves, runaways, free negroes, and emancipation."

Rev. Stat. 690
and 950.
(a)

Approved March 8, 1856.

CHAPTER 425.

AN ACT to provide for any deficiency in Treasury that may occur during the year 1856.

WHEREAS, It is probable that before the revenue of 1856 is collected and paid into the Treasury, there will not be a sufficiency of funds in the revenue department to pay all the appropriations made by the present Legislature. For remedy whereof,

Sinking fund
may loan money
to the State.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it may be lawful for the Commissioners of the Sinking Fund to loan the revenue department such sums as may be needed at six per cent. per annum; and should the funds of the Sinking Fund be invested, then it may be lawful for the Auditor to allow to Sheriffs at the rate of six per cent. per annum for any money they may advance upon the revenue, the interest to be allowed from the time it is advanced until the regular time of payment.

Approved March 8, 1856.

CHAPTER 427.

AN ACT to establish a uniform weight of coal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Weight of coal
per bushel.

§ 1. That hereafter the legal standard weight of bituminous stone coal shall be eighty pounds per bushel, and of cannel coal seventy pounds per bushel; and that in all sales and purchases of coal, the quantity shall be estimated at the above rate.

(a) The section above referred to is as follows:

"§ 5. If a free negro or slave be guilty of arson, robbery, or of voluntary manslaughter, or of homicide, perpetrated in the commission, or the attempt to commit, any felony, upon conviction thereof, he shall suffer death; or, if the offender be a slave, he may be punished by a number of stripes not exceeding two hundred, to be inflicted at different times, not more than fifty at a time; and if he be a free negro, he may be confined in the penitentiary for a period not less than two nor more than ten years."

1856.

*Penalty for
selling less.*

§ 2. That any person selling coal at a less weight per bushel than that which is specified in the first section of this act, shall be fined the sum of five dollars for each offense, to be recovered by warrant, in the name of the Commonwealth, before any Justice of the Peace for the county where the offense occurs, the proceeds to be applied to the benefit of the jury fund.

Approved March 8, 1856.

CHAPTER 431.

AN ACT to amend section 621 of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 621, title 13, of the Civil Code of Practice, be so amended as to allow four regular Examiners to the county of Jefferson, with authority to the Circuit Judge thereof to increase the number as therein provided.

§ 2. The Examiners of this Commonwealth shall hold their offices at the will of the Circuit Judge of their respective counties.

§ 3. This act shall take effect from and after its passage. (a)

Approved March 8, 1856.

CHAPTER 432.

AN ACT in relation to the McCracken County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See chap. 134

§ 1. That an act changing the time of holding the McCracken County and Quarterly Courts, passed at the present session, be repealed; and said courts shall hold their terms in the same manner and the same time as they did before said special act passed.

§ 2. That whenever a confliction occurs in said county, between the times of holding the Circuit Courts or Chancery Courts, and the County Courts or Quarterly Courts,

(a) The section of the Civil Code amended by this act is as follows:
 "§ 621. There shall not be more than three Examiners' offices in any one county, unless a majority of the members of the bar, resident in said county, shall, by a petition, filed in the Circuit Court, state that more Examiners' offices are necessary to the convenient dispatch of business; whereupon the judge may appoint more Examiners and order more Examiners' offices to be kept, not exceeding one Examiner and Examiners' office in each election precinct, except at the county seat, where two Examiners' offices may be kept for each precinct."

then the County or Quarterly Courts shall take precedence for the first two days.

1856.

§ 3. This act to take effect from its passage.

Approved March 8, 1856.

CHAPTER 437.

AN ACT to change the time of holding the Harrison County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the County Court of Harrison to be held on the fourth Monday in each month.

Approved March 8, 1856.

CHAPTER 452.

AN ACT to amend the 42d chapter of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any free negro who shall play with a slave or white person any game of cards, or with dice, or at any other game whatever, whereby money or other thing of value shall be won or lost, shall be fined not less than twenty dollars, nor more than one hundred dollars, and imprisoned not less than two nor more than twenty days.

Penalty on a
free negro for
gaming with a
slave.

Approved March 8, 1856.

CHAPTER 457.

AN ACT directing the boundary line between Butler and Ohio counties to be run and re-marked.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That H. A. Rock, Surveyor of Butler county, and Joseph Barnet, the Surveyor of Ohio county, be and they are hereby appointed commissioners to run and re-mark the boundary line between the counties of Butler and Ohio.

Line to be run
and marked.

§ 2. That they return to the County Court of each of said counties a report of their proceedings, and which may, by said court, be ordered to be recorded; and it shall be the duty of said courts to compensate said commissioners out of the county levy of said counties, in a sum not exceeding two dollars, each, per day for the time they are engaged in said work; and a reasonable compensation shall also be allowed to necessary chain carriers engaged in

Report thereof
to be returned to
court.

1856.

assisting in said work, to be paid respectively and ratably by each of said counties.

Approved March 8, 1856.

CHAPTER 461.

AN ACT to change the time of holding the Whitley Quarterly Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Quarterly Courts of Whitley county be hereafter held on the Wednesdays succeeding the second Mondays in January, April, July, and October, instead of the second Mondays in those months, as now authorized by law; and that the Judge of said court shall continue the court at each term for as many days as the business shall require. This act shall take effect from its passage.

Approved March 8, 1856.

CHAPTER 464.

AN ACT to regulate the duties of County and Commonwealth Attorneys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the County Court Attorneys to attend to the prosecution, before the Presiding Judge and Justice or Justices of the Peace of the county, when sitting as a court of enquiry, of all murders and other felonies, and cases for violation of the penal laws; and also, assist the Attorney for the Commonwealth in the prosecution in the Circuit Court of all infractions of the criminal and penal laws, and in the discharge of all other duties assigned to him by law; and, for so assisting him, the County Court Attorney shall be entitled to one-half of the fees and perquisites allowed by law to the Attorney for the Commonwealth, in their respective counties.

§ 2. Hereafter the Attorney for the Commonwealth shall receive, annually, a salary of five hundred dollars, payable quarterly, out of the public treasury, instead of three hundred dollars, heretofore allowed by law.

§ 3. It shall not be lawful for the Judge of the Circuit Court to appoint the County Court Attorneys to act in the place of the Attorney for the Commonwealth during his absence from court, but, in cases of such absence, the Circuit Judge shall appoint some other suitable person for that purpose.

§ 4. This act shall take effect from and after the second Monday in August, 1856.

Duties of co.
attorneys.

Salary of com-
monwealth at-
torneys increas-
ed.

County attor-
neys not to be
appointed com-
monwealth at-
torney pro tem.

§ 5. That the provisions of the first section of this act shall not apply to the county of Jefferson.

Approved March 8, 1856.

1856.

Act not to apply to Jefferson county.

CHAPTER 468.

AN ACT to change the August term of the Bullitt County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the August term of the Bullitt County Court shall be held on the second Monday of August, instead of the third, as now prescribed by law.

Approved March 8, 1856.

CHAPTER 470.

AN ACT to amend chapter one hundred and three of the Revised Statutes, title, "Turnpike and Plank Roads."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the 103rd chapter of the Revised Statutes, be and it is hereby so amended as to authorize the formation of incorporated companies for the purpose of constructing and keeping in repair dirt turnpike roads, upon a subscription in good faith by responsible persons of not less than three hundred dollars for each mile of a proposed road; said road shall have all needful side-drains, culverts and bridges, and shall be graded to the width of twenty-five feet between ditches, and at a grade not exceeding four degrees; and shall be so made as to present a smooth and level surface.

Rev. Stat. 677.

Companies may be formed for making dirt turnpike roads.

§ 2. Companies organized under the first section of this act, shall not collect more than half the toll allowed by law to other turnpike or plank roads, and no part of said tolls shall be distributed as profits among the stockholders until the whole road is covered with stone or gravel, at least fifteen feet in width; and when this is done, according to the requirements of the chapter aforesaid, to which this is an amendment, full toll may be collected by said company; and after deducting all proper and necessary expenses therefrom, the balance may be distributed as provided in the chapter aforesaid: *Provided however,* That before said road shall be covered with stone or gravel there shall be an increased subscription, in good faith, by responsible persons, of not less than seven hundred dollars, nor more than seven thousand dollars for each mile thereof.

May collect half toll.

No distribution of profits until road is covered with stone or gravel.

§ 3. Persons who reside within one mile of any dirt

1856.

Exemption of labor on other roads.

turnpike, and pay one hundred dollars towards the construction thereof, shall not be required, by themselves or tithables, to work on any other road until the dirt pike is converted into a stone or gravel turnpike.

§ 4. Companies formed under the first section of this act, shall, in all respects, be governed by the provisions of the chapter aforesaid, so far as the same is applicable; and shall have all the powers and privileges therein conferred, except as herein provided.

§ 5. This act to take effect from its passage.

Approved March 8, 1856.

CHAPTER 490.

AN ACT to provide for the service of Process against Steamboats.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter, when any action to subject a steamboat, or other vessel, upon any liability to which they are subject by law, or to recover judgment against the owners or officers of such steamboat or vessel, for any debt or liability created by them or either of them, shall have been commenced in any county in which said boat or vessel was found, as provided in section 104, of title 5, of the Civil Code of Practice, and from any cause a summons in such action cannot be served in the county where such action was commenced; a service of a summons in any other county in this State shall have the same effect as if it had been served in the county where the action was brought; and the summons may be served as provided in section 85, article 1, chapter 2, of the Code of Practice. This act shall take effect and be in force from and after the tenth day of March, 1856.

Approved March 8, 1856.

CHAPTER 492.

AN ACT to authorize the President of the Board of Internal Improvement to purchase a certain lot of land at Lock No. 3, on Green river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President of the Board of Internal Improvement be and he is hereby authorized to purchase a cer-

Board of internal improvement authorized to purchase lot of ground.

(a) Section 104 of the Civil Code, amended by this act, is as follows: "An action to subject a steamboat or other vessel, upon a liability by statute, for the removal of a slave, or for an injury to another boat or craft, or for a trespass of its officers or crew, or to enforce a lien upon a steamboat for the wages of its officers or crew, or for work, materials, or supplies, may be brought in any county in which such boat or vessel may be found."

tain lot of ground of Edgar Brown, the State having cut a race through said lot, containing not exceeding one half acre, at lock No. 3, on Green river, located in the town of M'Creerysville, in Ohio county. The President of the Board of Internal Improvement is hereby authorized to pay any sum that he may think proper, not exceeding one hundred and fifty dollars, out of any money in his hands not otherwise appropriated upon said line of navigation—requiring said Brown to make a deed of general warranty to the State for said lot.

1856.

Approved March 10, 1856.

CHAPTER 499.

AN ACT declaring Rockcastle creek, in Johnson county, navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Middle Fork of Rockcastle creek, in the county of Johnson, be and the same is hereby declared navigable from its mouth to the Beach Fork; and that the Cold Water Fork of said Rockcastle creek, be and the same is hereby declared navigable to the mouth of the Lynn bark Fork of the said Cold Water Fork: *Provided*, That nothing herein contained shall prohibit the construction of mill-dams on the said stream.

Approved March 10, 1856.

CHAPTER 502.

AN ACT to cause Writings to be made in the English language.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no paper shall be recordable in this Commonwealth, in deed books and mortgage books, which is not in the English language.

§ 2. When a will written in any language other than the English shall be offered for probate, the person offering it shall produce a correct English translation thereof, and the translation shall be filed with the will, and together with said will be recorded in the Will-book.

No deed written in any language other than English to be recorded.

Will written in any language other than English to be translated.

Approved March 10, 1856.

1856.

CHAPTER 519.

AN ACT in relation to the Kentucky Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

Commissioners
sinking fund au-
thorized to lease
Penitentiary.

Fundamental
stipulations.

§ 1. The Commissioners of the Sinking Fund are hereby authorized, for and in behalf of the State of Kentucky, to make a contract with the present keeper of the Penitentiary, by which he shall become the lessee of said institution for a term of years, at a fixed and stipulated sum of money, to be paid in annual installments.

§ 2. In the event a contract should be made, between the Commissioners of the Sinking Fund and the present Keeper of the Penitentiary, as contemplated by the preceding section, the following stipulations, in substance, shall be incorporated therein as fundamental articles: *First.* The said Keeper shall pay into the treasury of this commonwealth, on or before the first day of April of the present year, the sum of five thousand dollars, in full and in lieu of the State's portion of the net profits of the penitentiary, for the year ending the first of March, 1856. *Second.* The Penitentiary, together with all the buildings attached thereto, and all of the machinery, fixtures, and tools, and other things therein, to be leased to the present keeper for the term of three years, commencing the first day of March, 1856, at an annual rent of six thousand dollars, payable at the end of each year, without any abatement or deduction, into the treasury to the credit of the Sinking Fund. *Third.* The buildings, machinery, fixtures and tools to be kept in good order, and returned in like good order as when received by the present Keeper, the first of March, 1855, at the end of the three years, when the lease will expire—unavoidable accidents, as respects the buildings and machinery only, excepted. *Fourth.* In the event a fire should occur in said institution, without any fault on the part of the Keeper, his assistants or guards, the General Assembly, if in session, if not the Commissioners of the Sinking Fund, shall cause to be erected as soon as practicable other permanent and suitable buildings, as they may deem for the best interest of the State, not exceeding \$10,000, to be paid for out of any money in the treasury to the credit of the Sinking Fund. The Commissioners of the Sinking Fund may make such deduction from the rent as they deem just and equitable on account of the loss of the buildings by fire; and their decision in the premises is to be subject to the ratification of the Legislature. The expense of erecting the necessary temporary buildings is to be borne by the lessee and no allowance is to be made to him therefor. *Fifth.* If, during the existence of the term for which the penitentiary is leased, the Commissioners of the Sinking Fund deem it necessary to cause

additional machinery to be erected, the State of Kentucky shall not, under any circumstances, be chargeable with a sum therefor exceeding ten thousand dollars; but the State reserves to itself the right of purchasing from the Keeper of the Penitentiary any excess of machinery over ten thousand dollars, at a fair cash value, at the termination of the lease. *Sixth.* The bond or bonds that have heretofore been executed for money or property advanced to the present Keeper, shall remain in full force; or the Commissioners of the Sinking Fund may, if they deem it proper, require the execution of other bonds, containing appropriate stipulations for the return of the money or property heretofore advanced by the State, at the termination of the three years lease. *Seventh.* If the rent due at the close of any one year shall remain unpaid, for the period of ten days, it shall be the duty of the Commissioners of the Sinking Fund to cause a judgment to be rendered against the lessee and his securities at the next, or any succeeding term of the Franklin Circuit Court, by motion, in the same manner and with like penalties as judgments are now rendered by the existing laws against Sheriffs, or other defaulting collectors of the public money. *Eighth.* The said Keeper, as lessee, as aforesaid, in addition to the sum of six thousand dollars to be paid annually, shall furnish, at his own expense, the necessary guards; feed and clothe the convicts; appoint his own clerk and pay him for his services; furnish all the necessary beds and bedding for the cells; pay the liberation money to the convicts, all necessary bills of physicians, whose duty it shall be to examine into the health and situation of each convict, and report to the Governor whether any convict is engaged at any work which is injurious to his health, if so, the Governor shall cause said convict to be changed to other work; and shall, in all other respects pay all the necessary expenses in maintaining said institution, and shall save the State harmless from all expense connected with the management of the same, during the existence of the lease. *Ninth.* The Governor shall appoint three inspectors of the Penitentiary who shall hold their offices for two years unless sooner removed by the Governor. The said inspectors shall have power, and it shall be their duty, from time to time, to examine into all matters connected with the government, discipline and police of the Penitentiary, and make report thereof every three months to the Governor for the time being. The number of visits to be made by some one of said inspectors to the Penitentiary each week shall be prescribed by the Governor, or the Commissioners of the Sinking Fund. Each of said inspectors shall receive for his services the sum of one hundred dollars, payable quarterly out of any moneys in the

1856.

treasury to the credit of the Sinking Fund. No inspector of the Penitentiary shall become personally interested, directly or indirectly, in the profits thereof or in its management. *Tenth.* All laws relating to the Penitentiary in conflict with the provisions of this act, and the lease made in virtue thereof, are repealed; and all laws not inconsistent therewith are to remain in full force until changed by a subsequent Legislature; but no laws are to be enacted which may impair, substantially, the rights of the lessee. The Legislature may, however, pass such laws as may be deemed necessary for the welfare and reformation of the convicts. The lease to be made under this act shall supersede the contract under which the present Keeper came into office, except that he and his sureties shall remain bound to refund the amount of money and value of the property received by the Keeper shortly after he came into office.

§ 3. Before the contract hereby authorized shall take effect, the lessee shall execute bond with sufficient sureties, conditioned for faithful compliance with the contract and provisions of this act; which bond shall be approved by the Governor.

§ 4. That in case of the death of the Keeper, the Governor of the State, the Secretary of State, and the Auditor shall make a contract with some other and suitable person to take charge of the Penitentiary according to the provisions of this act, until the ensuing meeting of the General Assembly.

§ 5. That should the lessee of the Penitentiary, under this act, fail or refuse to comply with the obligations imposed upon him by this act, and his contract under it, or should he be guilty of any misfeasance or malfeasance in office, then, and in that event, the Governor shall have full power, and it shall be his duty, to remove him forthwith.

§ 6. That should the Commissioners of the Sinking Fund lease the Penitentiary, and conclude to provide additional machinery at the cost of the State, as provided for in this act, the lessee shall give bond, to be approved by the Governor, that he will return the machinery so erected, in as good order as when erected, except the usual wear and tear; and he shall also pay the State six per cent. per annum, for the amount of money expended in erecting such machinery.

If keeper dies,
Governor, Sec-
retary, and Au-
ditor to contract
with some per-
son.

Governor au-
thorized to re-
move keeper.

If additional
machinery
should be made,
keeper to give
bond to return
them in good
order and pay
interest on cost.

Approved March 10, 1856.

LAWS OF KENTUCKY.

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CHAPTER 521.

AN ACT for the benefit of the State Arsenal.

1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sum of two hundred and fifty dollars, be and is hereby appropriated for the purchase and setting up a blacksmith's forge, turning lathe, and emery wheel at the State Arsenal, in the city of Frankfort, for the use of said arsenal; which said sum shall be drawn from the treasury by the Quarter Master General, with the approval of the Governor.

Approved March 10, 1856.

CHAPTER 525.

AN ACT to amend an act declaring Miller's creek, in Estill county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act delaring Miller's creek, in Estill county, a navigable stream, be so amended as to hereafter permit the owners of the land upon said creek, from Herndon's mill to the mouth, to erect floating gates across the same, in such a manner, that they may be conveniently opened by persons passing up or down the creek, with canoes or other water craft.

Approved March 10, 1856.

CHAPTER 529.

AN ACT declaring Jenney's creek, in Johnson county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the middle fork of Jenney's creek, in Johnson county, be and the same is hereby declared navigable, from its mouth to William Blair's mill. This act to take effect from its passage.

Approved March 3, 1856.

CHAPTER 538.

AN ACT to change the time of holding the Quarterly Court of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the terms of the Quarterly Court of Green county shall hereafter be held on the first Mondays in

1856.

March, June, September, and December, and continue each term until the business of said court be completed. § 2. This act shall not take effect until the first day of August next.

Approved March 10, 1856.

Amendment
to Civ. Code,
sec. 221, &c.

CHAPTER 539.

AN ACT to amend the law in relation to attachments in civil cases. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

That the non-residence of one or more of several defendants to a civil action, shall be no cause for an attachment against the separate property of any of said defendants, who are residents of this State; and in proceeding to attachment, upon ground of non-residence only, the estate or interest of the non-resident alone shall be subject to attachment.

Approved March 10, 1856.

CHAPTER 540.

AN ACT to provide for the removal of the remains of Gen. George Rogers Clarke to the Frankfort cemetery, and the erection of a monument to his memory.

WHEREAS, It is becoming in a great State to acknowledge, in a suitable manner, her indebtedness to the founders of her prosperity, and to commemorate, in an enduring manner, the deeds of noble daring, of self-devotion, and distinguished skill, which have laid the foundations of her greatness, and illustrated the perilous periods of her history; and whereas, General George Rogers Clarke, by his remarkable skill and pre-eminent services, under trials the severest, and difficulties the most formidable, wrested the frontier posts from the possessions of the combined forces of the British and savages, and secured by conquest, much of the vast west to our common country, and protected the infant settlements of Kentucky from total destruction by the ruthless and infuriated savages, to whom his very name became an object of terror; which services were highly influential in deciding our revolutionary struggle; and whereas, the remains of this highly distinguished citizen of Kentucky lie in the private burying-ground of a relation, the spot unmarked by any monument to testify the esteem in which he ought to be held by his countrymen: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor of this Commonwealth be and he is hereby authorized and directed to procure, if prac-

Removal of
remains and re-
interment.

ticable, the consent of the relations of General George Rogers Clarke, to the removal of his remains, and, such consent being had, that he cause the said remains to be removed and re-interred in the Military mound belonging to the State in the Frankfort cemetery, with such ceremonies as may be suitable to the character and worth of the honored dead.

§ 2. That the Governor of the Commonwealth shall appoint three commissioners to contract for and superintend the erection of an appropriate marble monument at or near the grave in which the remains be re-interred as aforesaid.

§ 3. That the Auditor of Public Accounts shall, when he shall have presented to him the certificate of said commissioners, that said monument is completed, draw his warrant on the Treasurer for a sum not exceeding one thousand dollars, to pay for the same.

Monument to be erected.

Auditor's warrant.

Approved March 10, 1856.

CHAPTER 543.

AN ACT to indemnify in certain cases the owners of property in cities, that may be injured, taken away, or destroyed by mobs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, if, within any city of this Commonwealth, any church, convent or chapel, dwelling-house, or house used or designed for the transaction of lawful business, or deposit of property, any ship, ship-yard, boat or vessel, or any railroad or property of any kind, belonging to any railroad company, or any article of personal property, shall be injured or destroyed, or if any property therein or thereon shall be taken away or injured, by any riotous or tumultuous assemblage of people, the full amount of the damage so done shall be recoverable by the sufferer or sufferers, by action against said city: *Provided*, The authorities thereof have the ability, of themselves or with the aid of their own citizens, to prevent such damage: *And, provided also*, That no person shall maintain such action who shall have contributed, by word or deed, towards exciting or inflaming such tumult, or who shall have failed to do what he reasonably could do towards preventing, allaying or suppressing it: *And, provided further*, That no such liability shall be incurred by such city unless the authorities thereof shall have good reason to believe that such riot, or tumultuous assemblage, was about to take place, or having taken place, should have had notice of the same in time to prevent said injury or destruction, either by their own force or by the aid of the citizens of such city.

Cities to pay damages for destruction of property by mobs.

No liability under certain circumstances.

Approved March 10, 1856

LAWS OF KENTUCKY.

1856.

CHAPTER 550.

AN ACT to punish for having altered money in possession.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That any person who shall have or keep in his possession any altered bank note, gold, silver, or copper coin, knowing the same to be altered, with the intention of circulating the same as a note or coin of a higher denomination, shall be confined in the penitentiary not less than two nor more than ten years. (a)

Approved March 10, 1856.

CHAPTER 551.

AN ACT to amend article 1, of chapter 58, of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rev. Stat. 446.

(b)

That hereafter there shall be exempt from taxation five acres of land owned by a school, seminary, or church, and no more, whether the same be held fiduciarily, individually, or by such school, seminary, or church, or otherwise; and that so much of article 1, chapter 58, of the Revised Statutes as is inconsistent with this act, is hereby repealed. This act shall take effect from its passage.

Approved March 10, 1856.

CHAPTER 590.

AN ACT to authorize the President of the Board of Internal Improvement to sell certain property.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*President of
board authoriza-
ed to sell a lot
of ground.

That the President of the Board of Internal Improvement be and he is hereby authorized to sell and convey to the purchaser thereof, one and three quarter acres, by actual survey, the title whereof is now in the Commonwealth of Kentucky, lying at or near lock No. 1, Green river, in the county of Henderson, upon such terms as may be agreed upon by the parties; and that he pay the proceeds into the public treasury: *Provided*, The afore-

(a) This act is an amendment to sec. 1, of art. 10, chapter 28, of the Revised Statutes, 255.

(b) That portion of the Revised Statutes repealed by this act is as follows: "§ 1. Land held by a school or seminary shall not be subject to taxation, or to forfeiture, for any cause whatsoever."—Revised Statutes, 446. It was repealed by act of 7 March, 1854, chap. 634 of session acts of 1853-4, page 88, leaving the law in force as in Revised Statutes, 560, sec. 3, of art. 4, title, "Revenue and taxation;" the passage of this law was an act of supererogation.

said one and three quarter acres shall not be deemed indispensable to the future wants of the State, by the President of the Board of Internal Improvement.

Approved March 10, 1856.

1856.

CHAPTER 593.

AN ACT supplemental to the act in relation to billiard tables, bowling saloons, and Jenny Lind tables.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled, an act to repeal all laws to license billiard tables, bowling saloons, and Jenny Lind tables, passed at this session of the General Assembly, shall not apply to any person already licensed, until the first day of March, 1857.

Original act
suspended until
1st March, 1857.

Approved March 10, 1856.

CHAPTER 602.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money, not otherwise appropriated, be paid out of the public Treasury, to the several persons named and entitled to the same, to-wit:

1. To the Speakers of the Senate and House of Representatives, six dollars per day, each, during the present session.

Speakers.

2. To the Clerks of the Senate and House of Representatives, ten dollars per day, each, during the present session, and for fourteen days, each, after the close of the session, in preparing the acts of the General Assembly for publication, and arranging the papers.

Clerks.

3. To the assistant Clerks of the Senate and House of Representatives, eight dollars per day, each, during the present session.

Assistant clerks.

4. The Auditor is authorized to draw his warrant on the Treasurer, in favor of the Clerks of the Senate and House of Representatives, for the amount of the compensation for extra clerk hire, to be estimated by said clerks.

Extra clerk hire.

5. To the Sergeant-at-arms of the Senate and House of Representatives, five dollars per day, each, during the present session.

Sergeant-at-arms.

6. To the Door-keepers of the Senate and House of Representatives, five dollars per day, each, during the present session.

Door-keepers.

7. To Thomas J. Helm, late Clerk of the House of

Late clerk, H. R.

1856.

Late doorkeeper

Representatives, fifty dollars for milage and for services in organizing the present House of Representatives.

8. To R. R. Bolling, late Door-keeper of the House of Representatives, for mileage and services for one day to the present House of Representatives as Door-keeper, fifteen dollars.

Servant.

9. To John W. Pruett for the use of the servant to the Senate during the present session, seventy dollars.

Servant.

10. To William R. Campbell, for the use of the servant to the House of Representatives for the present session, seventy dollars.

Daily Commonwealth.

11. To the publishers of the Daily Commonwealth, for the use of their paper during the present session, three hundred dollars.

Daily Yeoman.

12. To the publishers of the Yeoman, for the use of their daily paper during the present session, three hundred dollars.

Ministers.

13. To the Ministers of the several denominations in Frankfort, one hundred dollars, to be distributed amongst them by Joseph Gray, Sergeant-at-arms.

Merchant & Smith.

14. To Merchant & Smith, five dollars and eighty-five cents, for bill of sundries rendered.

Pinkerton.

15. To L. L. Pinkerton, for bill of sundries rendered, one dollar.

Church bell.

16. To the Baptist church, for the use of its bell during the present session, ten dollars.

Doxon & Graham.

17. To Doxon & Graham, for bill of sundries rendered, four dollars and fifty cents.

Baker & Runyan.

18. To Baker & Runyan, for bill of sundries rendered, four dollars and twenty cents.

G. W. Gwin.

19. To George W. Gwin, for bill of sundries rendered, twelve dollars and thirty-five cents.

Cumberland Hospital.

20. To Cumberland Hospital, at Smithland, thirteen hundred and fifty dollars, payable quarterly, for the support of that institution for the year 1856.

Cumberland Hospital.

21. To Cumberland Hospital, at Smithland, thirteen hundred and fifty dollars, payable quarterly, for the support of that institution for the year 1857.

Gray & Todd.

22. To Gray & Todd, for bill of sundries rendered, twenty-five dollars and ninety-five cents.

A. G. Hodges.

23. To A. G. Hodges, two hundred dollars, for making an index to Journal of the Senate and Journal of the House of Representatives.

Tho. J. Helm.

24. To Thomas J. Helm, for services rendered as Clerk of the Senate, during the present term, whilst the Clerk of the Senate was sick, one hundred and twenty dollars, for twelve days, at ten dollars per day.

Jo. Tole.

25. To Jo. Tole, Page to the House of Representatives, seventy dollars.

Sam. Brown.

26. To Sam. Brown, Page to the House of Representatives, seventy dollars.

27. To the two servants who have waited on the Senate and House of Representatives, during the present session, ten dollars, each, to be received by the Door-keeper of the Senate and paid to them.

28. That the Keeper of the Penitentiary be authorized to supply the Governor with fuel to an amount not exceeding three hundred dollars per year; and that he be allowed credit therefor in his settlement with the Commissioners of the Sinking Fund.

29. To A. G. Cammack, for bill of sundries rendered, two hundred and fifty-four dollars and eighty cents

30. To George W. Gwin, for bill of sundries rendered, for servant in ringing bell, ten dollars.

31. To J. M. Mills, for bill of sundries rendered, five dollars and seventy cents.

32. To Doxon & Graham, for bill of sundries rendered, eighty-five dollars and ten cents.

33. To R. W. Blackburn, for bill of sundries rendered, one dollar and fifty cents.

34. To Mrs Joseph Taylor, for bill of sundries rendered, one dollar.

35. For support of the Eastern Lunatic Asylum for two years, from the 31st day of December last, the sum of twenty-five thousand dollars per annum, payable quarterly in advance: *Provided*, The Treasurer of said Asylum shall pay all sums for support thereof to the order of the Superintendent thereof only; whose duty it shall be to direct and control the character, amount, and price of all expenditures for supplies; and for the faithful discharge of which duty, in a vigilant and economical manner, he shall be answerable to the board of managers of said asylum, and the next General Assembly: *And provided*, The said Superintendent, from and after the 1st day of April next, shall have power and authority to appoint the steward and matron of said asylum, and the same to remove at pleasure.

For support of the Western Lunatic Asylum for one year from the 31st day of December last, the sum of fifteen thousand five hundred dollars, and for support for the year next ensuing the 31st day of December, 1856, twenty-one thousand seven hundred and fifty dollars, payable quarterly in advance: *Provided*, That the board of managers of said asylum shall vigilantly scrutinize the expenditure of all money hereby appropriated thereto, and draw from the treasury no greater amount of the several sums aforesaid, than shall prove to be necessary for the economical support of said asylum during each of the years aforesaid.

It is expressly declared and enacted, that the above appropriations to the said asylums must defray all salaries and expenses of officers and attendants, as well as patients admitted therein, for the period named, together

1856.

Two servants.

Fuel for Governor's house.

A. G. Cammack

G. W. Gwin.

J. M. Mills.

Doxon & Graham.

R. W. Blackburn.

Mrs. Taylor.

Eastern Lunatic Asylum.

Western Lunatic Asylum.

1856.

with all expense attending the conveyance of patients to the said asylums and their discharge therefrom, et cetera.

The sums hereby appropriated shall be paid to the Treasurers of said asylums, on the order of their respective boards of managers; the said boards shall allow the same salaries (payable out of the aforesaid sums) as heretofore, except that they *may* increase the salary of the assistant Physician to five hundred dollars. Said managers shall report or cause to be reported to the next General Assembly, within two weeks after the first day of the session, a correct statement of expenditure, by items, giving amounts and prices, of the foregoing appropriations: *Provided, also,* That where no contract shall be made, paying patients shall not be admitted into either asylum, at a less rate than one hundred and forty dollars per annum.

The provisions of an act for the benefit of the Eastern Lunatic Asylum, and of an act for the benefit of the Western Lunatic Asylum, passed at the present session of this Legislature, so far as applicable, shall govern the appropriations contained in this section.

36. To William R. Campbell, late Door-Keeper of the House of Representatives, for money paid servant hire for making fires, &c., for session 1850-51, fifty-eight dollars.

37. To A. Conery, per bill rendered, five dollars.

38. To the Auditor of Public Accounts, five hundred dollars per annum, in addition to the amount now allowed by law, to be expended in clerk hire.

39. To the present Assistant Secretary of State, the sum of two hundred and fifty dollars, for extra services performed in arranging books and papers in the Secretary of State's office, and putting said office in complete order.

40. To the Register of the Land Office, six hundred and fifty dollars per annum, for two years, to be expended in the employment of a clerk or clerks in said office to make a cross alphabet for said office, to be drawn quarterly.

41. To Sandford Goins, fifty dollars and twenty cents, for firing a salute and for ammunition expended, by order of Governor Powell, on the 8th January, 1853.

42. To Iverson Jones, for the use of servant, in waiting on Senate and House at this session, twenty dollars.

43. That the sum of forty dollars be appropriated to George F. Lee, to pay a portion of the expenses of Dr. H. B. Wilbur, for coming to Frankfort to lecture before the members of the Legislature, on the subject of educating idiotic children.

W. R. Campbell

A. Conery.

Auditor.

Assistant Secretary.

Register Land Office.

San. Goins.

Iverson Jones.

G. F. Lee.

Approved March 10, 1856.

CHAPTER 609.

AN ACT to amend the law in relation to Public Buildings.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the fifth sub-section of article 1st, chapter 78th, of the Revised Statutes, title "Public Buildings," be and the same is hereby so far changed that it shall be lawful for Superintendent of the Public Buildings to allow the halls of the Senate and House of Representatives to be used for State Conventions, and other public conventions or assemblages, whenever the Governor shall so direct.

Rev. Stat. 536.

Approved March 10, 1856.

CHAPTER 611.

AN ACT to change the boundary of Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the boundary line of Perry county be so changed as to include the farms of William Bowling and Joseph Mullins in Breathitt county, and the farm and residence of Henry C. Caudle in Letcher county.

Approved March 10, 1856.

CHAPTER 614.

AN ACT authorizing the commissioners of the Sinking Fund to loan any surplus moneys they may have on hand.

Be it enacted by the General Assembly of the Commonwealth of Kentucky, as follows:

§ 1. The Commissioners of the Sinking Fund are authorized to loan any surplus money they may at any time have on hand, by taking as security for the re-payment thereof the bonds of the State of Kentucky, bearing an interest of six per centum per annum, or if bonds bearing an interest of five per centum, an amount to make them equal to six per cent. bonds; or the stock of any incorporated bank of this State, whose stock at the time is selling in the market above its par value; to an amount equal to the sum loaned, estimating such bonds or bank stock at their nominal par value: *Provided*, That if at any time, any bonds or stocks, deposited under the provisions of this act, should fall to par, it shall be the duty of the commissioners immediately to call in the loan thus secured, or require an additional deposit of stocks of a character and to an amount satisfactory to the commissioners—and upon failure to pay the loan or deposit, additional security as aforesaid, the bonds or stocks on deposit, shall be put to sale as hereinafter provided.

Commissioners authorized to loan money.

1856.

Notes taken to
be deposited in
Auditor's office.

If pledged se-
curities do not
pay debt, action
to be brought for
balance.

Note to refer
to the law.

Form of note
to be prescribed
by commissioners.

Appropriation.

§ 2. The notes that may be taken by said Commissioners for the loan of money, as authorized by the preceding section, shall be deposited in the office of the Auditor of Public Accounts for safe keeping. And if any note should not be paid at maturity, it shall be the duty of the Auditor, upon giving notice in the newspaper of the public printer not less than ten days, to sell to the highest bidder for cash, before the door of the State House in Frankfort, the bonds or stock so pledged for the payment of the principal sum of said loan and any interest that may have accrued thereon, together with the costs of advertising the sale.

§ 3. If the sale of the bonds or stock so pledged do not realize the full amount of the principal and interest of the note, and the cost of advertising, it shall be the duty of the Commissioners of the Sinking Fund to cause the proper action to be instituted by the Attorney General in the Franklin Circuit Court, for the recovery of any balance remaining due on such note; and the service of process by the Sheriff of any county in the State, ten days or more before the first day of the term of the court succeeding the institution of the action, shall authorize the rendition of a judgment against the defendant or defendants.

§ 4. A note taken by said Commissioners for the loan of money under this act, shall refer to it, and bind the obligor or obligors to comply with its provisions.

§ 5. Said Commissioners shall prescribe the form of a power of attorney and other necessary writings to be executed by the person or persons who may pledge bank stock as a security for money loaned under this act, so that, in the event of a sale thereof, as herein provided, the purchaser thereof will be vested with a good title to the same.

§ 6. This act shall be in force from its passage.

Approved March 10, 1856.

CHAPTER 615.

AN ACT for the benefit of the Western Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, to the Western Lunatic Asylum the following sums, viz: for a well and two large cisterns, one thousand dollars; for paving, five hundred dollars; for additional furniture and bedding, five hundred dollars per annum for the years 1856 and 1857.

§ 2. That for the purpose of paying the several balances due for the current expenses for the past year, there is hereby appropriated the sum of four thousand two hundred and ninety-six dollars and forty-two cents, which may be drawn by the board of managers at any time after the passage of this act.

§ 3. It shall be the duty of the treasurer of the said asylum to report to the Auditor the original bills for all labor, material, supplies, &c., paid for out of the funds of the said asylum, and file the same with his annual settlement. The provisions of this section shall apply to all the charitable institutions of the State, and the officers thereof.

§ 4. The Treasurer of the Western Lunatic Asylum shall report to the Auditor, and file in his office, the original bills of all labor, material, supplies, &c., heretofore paid for out of the funds of said asylum, as soon after the passage of this act as can be conveniently done.

Approved March 10, 1856.

1856.

Further ap-
propriation.

Treasurer to
report to Audi-
tor.

Provisions to
apply to all oth-
er charitable in-
stitutions.

Original bills
to be filed.

CHAPTER 631.

AN ACT to amend 63rd chapter of Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the courts of justice to which authority is now given by law to change names, may make such change upon the petition of the mother, it appearing to the court that the child resides with the mother, and that she has been divorced from the father, and that the father is a non-resident. This act to take effect from its passage.

Rev. Stat. 511.

Approved March 10, 1856.

CHAPTER 633.

AN ACT to incorporate the Kentucky State Agricultural Society, and to give encouragement to all the arts and sciences connected therewith.

WHEREAS, Great improvements in the arts of agriculture has uniformly followed the establishment of agricultural societies throughout the various States of the Union: and, whereas, Kentucky has long felt the want of some institution which shall encourage the arts, and diffuse information on the various subjects therewith connected throughout every section of the State: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an agricultural society is hereby established, to be called the Kentucky State Agricultural Society; the

Society estab-
lished.

1856.

members and subscribers thereof and their successors are hereby created a body politic and corporate, and by the name and style aforesaid shall have all the right and privilege of a natural person in suing and being sued, answering and defending, in all courts of law and equity.

§ 2. That Robert W. Scott, of Franklin, Robert Mallory, of Oldham, Robert Acheson Alexander, of Woodford, L. J. Bradford, of Bracken, Dr. S. D. Martin, of Clarke, A. J. Anderson, of Henderson, G. E. H. Gray, of Jefferson, J. L. O'Neill, of Shelby, Wm. Bell, of Daviess, and Dr. Joshua H. Thomas, of Breckinridge, the names of presidents of local societies to be here added, are hereby constituted commissioners to receive subscriptions and enrol members.

§ 3. That with a view to the organization of said society, the State is hereby divided into the three following agricultural districts: The first to include all the counties lying north of the Kentucky river and its North Fork, and in addition thereto the counties of Estill, Owsley, Breathitt, and Perry; the second to include the counties lying between the Kentucky river and Green river, up to the mouth of Big Barren, and between the latter and Kentucky river; the third to include the counties of Henderson, McLean, Butler, Warren, and all the counties lying to the south and south-west of Green and Big Barren rivers. And said society shall hold its annual meetings for the exhibition of stock, agricultural implements, manufactures, &c., and for the awarding of premiums, in each of the said districts in rotation.

§ 4. That any one may become a member of this society previous to its organization by the payment to commissioners above named the sum of three dollars, which shall be the annual subscription giving membership, or twenty dollars entitling the subscribers to life-membership.

§ 5. That when two hundred members shall be enrolled, the commissioners shall call a general meeting of the subscribers, to be held in Frankfort on the 21st of May, when and where they shall proceed to elect a president and three vice presidents—one from each of the agricultural districts above named—and nine directors—three of whom shall be chosen from each of said districts—and these officers shall serve for one year, or till their successors be chosen.

§ 6. That the president and directors may adopt a seal and change it at pleasure, appoint all agents and officers they may deem proper for their co-operation, fix their remuneration, and take bond and security for the faithful discharge of their duties, and shall have the management of the property, funds, and prudential concerns of said society.

Commissioners
to receive sub-
scriptions.

State divided
into 3 districts.

Amount to be
paid for mem-
bership.

President, &c.
to be elected.

Appoint offi-
cers, adopt seal,
&c.

§ 7. That the Governor, Lieutenant Governor, and Secretary of State, and also the presidents of all local agricultural societies, shall (ex-officio) be members of this society; and that any one may become a member after the organization of the society by paying to the treasurer the sum of three dollars as annual subscription, or twenty dollars, which shall constitute him a life-member of the society; but the president and directors shall have the power to strike out from the list of members the name of any person whose conduct shall, in their opinion, forfeit this privilege; and the person whose name shall be thus erased shall cease to belong to this society.

§ 8. That each member, and his family, shall have free admission to the fair-grounds of the society; and each member shall also have the right to exhibit any stock, produce, implements, or other articles for which premiums may be offered, and shall be entitled to a copy of the published proceedings, lists of premiums, prize essays, &c., which shall be printed by the society, free of cost.

§ 9. That it shall be the duty of the president and directors to call a general meeting of the members of the society, to be held in Frankfort, on the second Wednesday in January, 1857, and each successive year, for the purpose of transacting such business as may be brought before them, and of electing a president, three vice presidents, and nine directors, who shall manage the affairs of the society till the following annual meeting; and they may call a special meeting of the members of the society at any time and place they may deem proper, four weeks previous notice being given by advertising it in one public journal in each district.

§ 10. That as soon after their election as may be convenient, and not later than the first Wednesday in the following June, the president and directors shall fix on a time and place at which they will hold the annual exhibition for the purpose of awarding premiums for stock, agricultural produce, agricultural implements, prize essays, &c., and shall also, before the said first Wednesday in June, make and publish a list of said premiums.

§ 11. That for the purpose of enabling the Society to carry out more successfully the objects and purposes of its organization, it is deemed advisable to make an annual appropriation out of the State Treasury for two years, and the Auditor is hereby authorized and directed, in this and each successive year after the passage of this act, on the receipt of the written order of the President of the Society, and countersigned by the Secretary, to issue his warrant on the Treasury of the State for the sum of five thousand dollars, payable to the Treasurer; and the Treasurer of the State is hereby authorized and directed to pay the same out of any moneys in said Treasury not

1856.

Who may be
members ex-off-
cio.Right of ad-
mission to fair
grounds.General meet-
ing to be called.Time of annu-
al meeting to
be fixed.Annual ap-
propriation.

1856.

otherwise appropriated, which shall go into the common fund of said Society, to be expended, together with its other means, as it shall deem proper, in accomplishing the object of this institution as herein set forth: *Provided*, That each division of the State shall be entitled to its equal proportion of such publications as may be made by this Society for general distribution.

To make by-laws, &c.

§ 12. That the president and directors, any five of whom shall form a quorum for the transaction of business, may, from time to time, make such by-laws, rules, and regulations for their own government, and for the management of the affairs of the Society, as they may deem expedient, not contrary to the provisions of this charter, or the by-laws or regulations which the members may from time to time prescribe at their annual meetings.

Report to be made to Legislature.

§ 13. That it shall be the duty of the president and directors to make a report of the proceedings and condition of the Society at each annual meeting of its members held as above stated, and also a report to the Legislature at its biennial session, setting forth in full the manner in which its means have been employed, and the state of its finances.

Vacancies to be filled.

§ 14. That in case of the death, resignation, or refusal to act of any officer, the board of officers shall have power to fill such vacancy, at a meeting only called for that purpose, who shall act until the next annual election.

§ 15. This act shall take effect from its passage.

Approved March 10, 1856.

Buying or selling certain weapons unlawful.

Penalty for using such weapons.

CHAPTER 636.

AN ACT to prevent the selling and using of certain weapons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person or persons who may hereafter be found guilty of vending, buying, selling, or dealing in the weapons popularly known as colts, brass knuckles, slung-shots, or any imitation or substitute therefor, shall forfeit and pay the sum of twenty-five dollars for each and every offense so committed—one-half thereof to be applied to the jury fund, the other to the prosecutor.

§ 2. That should any person strike, beat, wound or bruise another, by using any of the above named weapons, he or they so offending shall forfeit and pay the sum of one hundred dollars to the party or person so struck, wounded or bruised, which party shall have his action at law in any Circuit Court of this Commonwealth; and in default of the payment thereof, said offender or offenders shall be

imprisoned in the city or county jail until all costs and damages are fully paid.

§ 3. Should any person be killed by the weapons aforesaid, or any one of them, or in any other way except in self-defense, the wife, if he have one, or heirs at law, if he has no wife, shall have an action against all such as were in anywise concerned in such killing, and recover such damages as a jury may deem right; and in default of the payment of such damages, the defendant or defendants may be imprisoned, as in other cases of trespass to the person.

§ 4. This act shall be given in charge to the grand juries of this Commonwealth.

1855.

Wife or heirs
of any person
killed by such
weapons may
have action a-
gainst slayers.

Approved March 10, 1855.

CHAPTER 637.

AN ACT relating to the late Keeper of the Penitentiary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of the Sinking Fund be and they are hereby authorized and directed, in their final settlement with Newton Craig, late Agent and Keeper of the Penitentiary, to allow the said Craig a further credit for the sum of two thousand six hundred and eighty-six dollars and sixty-four cents, being one third of the net profits of said institution for the years 1844 and 1845; which sum is allowed to said Craig in full discharge of all claims, either in law or equity, which he, the said Craig, may have against the Commonwealth, growing out of his connection with the Penitentiary.

Appropriation
to N. Craig

§ 2. This act to take effect from its passage.

Approved March 10, 1855.

CHAPTER 639.

AN ACT to repeal an act, approved 7 March, 1854, to regulate the appointment of Superintendent of Western Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, an act to regulate the appointment of Superintendent of the Western Lunatic Asylum at Hopkinsville, approved March 7th, 1854, be and the same is hereby repealed.

Section 4
1855-4, 52

§ 2. That the provisions of article 3 of the Revised Statutes, entitled, "Lunatic Asylums," shall apply to and govern said asylum.

Rev. Stat. 43.

Approved March 10, 1855.

1856.

CHAPTER 643.

AN ACT concerning the collection of officers' fees.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:**Collectors of fee bills shall account for them within 6 months**Officer not bound to go out of his county to return fee bills.*

§ 1. That collectors in whose hands fees of clerks, or other officers, are placed for collection, shall be bound to account for the same in six months after they have the right to distrain for them: *Provided*, They have been that length of time in their hands.

§ 2. No officer shall be compelled to go out of his county to return bills or claims, or to pay over money collected, or shall he be liable to a suit or motion therefor until demand is made in his county by the claimant, or his agent.

Approved March 10, 1856.

CHAPTER 645.

AN ACT to amend chapter 86, articles 3 and 4, of the Revised Statutes, title "land and slaves of infants," &c.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:**Rev. Stat. 592, 593.**Lands of lunatics and idiots may be sold by decree.**Committee shall be a party.**If there be no committee, guardian ad litem to be appointed.**Interest of lunatic, held jointly with others, may be sold.*

§ 1. That the interest in land or slaves held by a lunatic or idiot, by devise or descent, jointly with others, may be sold under the provisions of the existing laws regulating the sale of real estate and slaves of infants and married women.

§ 2. When the idiot or lunatic has a committee, the committee shall be a party plaintiff or defendant to any proceeding to sell or divide the interest of such idiot or lunatic.

§ 3. When there is no committee, the Chancellor to whom the application is made, shall have power and jurisdiction to appoint a guardian *ad litem*, or next friend; and before any sale is made, a bond shall be executed, with good security, conditioned faithfully to account for the proceeds of sale and to pay over the same upon the order of the court, or to reinvest, as the court may direct.

§ 4. The court may order the sale of an interest in land and slaves held by an idiot or lunatic jointly with others, when in the opinion of the court a sale of a part would tend to injure the sale of the residue, and thereby lessen the value of the whole, and a sale of the other interests is ordered at the same time.

§ 5. This act shall take effect from and after its passage.

Approved March 10, 1856.

LAWS OF KENTUCKY.

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CHAPTER 646.

1856.

AN ACT authorizing the Board of Internal Improvement to appoint members of the board for Shelby county.

Board of Internal Improvement to appoint two members of Shelby county board.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so much of an act, entitled, an act, further to regulate the Shelby and Franklin Turnpike Road Company, approved March 2d, 1842, as makes it the duty of the Governor, on or before the first Monday in March, to appoint two members of the Board of Internal Improvement for Shelby county, on the part of the State, be and the same is hereby repealed; and that the Board of Internal Improvement be authorised to appoint two members of the Board of Internal Improvement for Shelby county, on or before the second Monday in March in each year. This act to take effect from its passage.

Approved March 10, 1856.

CHAPTER 647.

AN ACT to amend the laws limiting the time of commencing certain actions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the time within which an action may be commenced to enforce a mechanic's lien, or the lien for materials, in cases where the lien upon a building is specifically given by statute, shall be as is provided in the statutes giving such liens, and no longer, anything in article 3, chapter 62 (a) of the Revised Statutes to the contrary notwithstanding.

Rev. Stat. 480
481.

Approved March 10, 1856.

CHAPTER 653.

AN ACT in relation to the office of Attorney General.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the salary of the Attorney General of Kentucky shall be five hundred dollars, and the fees now allowed him, to be drawn and paid at the same time and in the same manner as prescribed by existing laws.

Salary of Attorney General increased.

§ 2. This act shall take effect from its passage.

Approved March 10, 1856.

(a) The chapter referred to is 63.

1856.

CHAPTER 657.

AN ACT to repeal section 340 of the Criminal Code, and substituting other provisions in lieu thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 340 of the Criminal Code of Practice be and the same is hereby repealed, and the following is substituted in lieu thereof: When a judgment of death has been affirmed, the Clerk of the Court of Appeals shall transmit to the Governor a certificate of the affirmation and of the judgment of the Circuit Court, to the end that a warrant for the execution of the judgment may be issued by the Governor. The Governor shall send his warrant of execution by a special messenger, or by mail, to the proper officer, and shall name therein the day and time of execution, but shall not appoint an earlier day than that which had been fixed on by the Circuit Court. The officer receiving the same shall report his action both to Governor and to the Circuit Court. If, from any cause, the execution does not take place on the day appointed by the Governor, the Governor may, from time to time, appoint another day for execution, until the sentence is carried into effect. An appeal by the Commonwealth from a decision of the Circuit Court shall not suspend the proceedings in the case. The decision of the Court of Appeals shall be obligatory on the Circuit Court, as being the correct exposition of the law.

Approved March 10, 1856.

CHAPTER 659.

AN ACT to provide for the removal of obstructions of navigation from Licking river.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James M. Brain, Joseph G. Williams, and Dixon Clack, be and they are hereby constituted a board of commissioners, for the purpose of having the obstructions to navigation removed from Licking river, from the mouth of the North Fork to the mouth of Slate.

§ 2. That they, or a majority of them, are hereby empowered to contract with William M. Ragland and the heirs or devisees of William Iles, deceased, or either of them, for the removal of their mill dams out of said river — taking all proper releases from the owners to the said commissioners and their successors, for the benefit of the public.

§ 3. That if said commissioners cannot make a contract with either of the owners of said mills, then they, if they think best, may apply to the County Court of Bath, whose

Commissioners appointed to remove obstructions.

Empowered to contract for removal of mill dams.

If no contract is made, writ of ad quod damnum to issue.

duty it shall be to issue a writ, directed to the Sheriff of Bath county, commanding him to summon a jury of twelve housekeepers, to meet at said mill or mills on a day to be designated by said writ, and when met shall be sworn by said Sheriff well and truly to try and determine the question as to the damage it would be to said owner to have his or their dam removed, and make a verdict in writing, which shall be signed by the jury, and shall be by the Sheriff returned to the said court, and recorded by the Clerk thereof in a deed book.

§ 4. That either the owners of said dams or the commissioners may file exceptions to said verdict at the first term of said court after the return thereof, and it shall be the duty of said court to hear and determine said cause, and from the opinion of said court an appeal may be prosecuted by either party to the Circuit Court, whose decision shall be final.

§ 5. That it shall be the duty of the Sheriff to give said owners ten days notice before the meeting of said jury; and at said trial the Sheriff shall swear all witnesses and preserve order during said trial.

§ 6. That at the first election of county or State officers, after a contract with said owner or owners of said dams or final decision on the verdict of the jury, it shall be the duty of the officers of said election, on application of said commissioners or their successors, to take a vote of the legal voters of Bath and Rowan, as to whether they be willing to be taxed, on the *ad valorem* principle, a sufficient sum to pay all damages and costs or contracts for removing said dam or dams.

§ 7. That if at said election a majority of those voting shall be in favor of said tax, it shall be the duty of said commissioners, or a majority of them, to ascertain from the Commissioner's books of that year what rate on the hundred dollars' worth of taxable property shall be collected for said objects—making proper deductions for commissions and delinquents—and place the lists thus made in the hands of the Sheriff of said counties for collection, whose duty it shall be to collect the same for the same commission and under the same liability that he collects the State revenue.

§ 8. That if the Sheriff shall fail to collect said tax, and pay the same to the said commissioners, within six months after said lists are placed in his hands for collection, it shall be the duty of said commissioners, after giving said Sheriff ten days notice, to move the first County Court after the expiration of said six months and the service of said notice as aforesaid, for a judgment for the amount which said Sheriff ought to have collected and paid over, making proper deductions for delinquents and commission

Exceptions may be filed to the question.

Notice to be given of meeting of jury.

Votes of citizens of Bath and Rowan counties may be taken whether they will be taxed.

If a majority are in favor of the tax, commissioners to fix rate.

If Sheriff fails to collect tax, commissioners may move against him.

1856.

Question may
be submitted to
voters the sec-
ond time.

Commissioners
to pay money
collected by
them.

Commissioners
to be elected an-
nually.

Commissioners
to be sworn.

Contracts may
be made for the
removal of other
obstructions.

The votes of
citizens of Flem-
ing may be ta-
ken.

What matters
may be consid-
ered by the jury.

Fleming may
elect two com-
missioners.

for collection, and adding twenty per cent. damages upon the amount due.

§ 9. That if at said election a majority should be against said tax, the commissioners may again submit the question, either to the counties at large, or to any number of precincts in either of said counties; and if to the precincts, and they in the aggregate vote for the tax, it shall be levied on said precincts only, in the manner before provided for the county.

§ 10. That it shall be the duty of said commissioners promptly to pay said tax to the person or persons entitled thereto, and take a receipt therefor, and within six months thereafter make a settlement with the Judge of the County Courts of Bath and Rowan, which shall be accompanied with all necessary vouchers; which settlement, when made, shall be recorded by the Clerks of said counties.

§ 11. That annually on the first Monday in August, the qualified voters of each precinct subject to taxation shall, at their usual place of voting in the county of Bath, elect two commissioners, and in the county of Rowan, one commissioner, as successors to those now appointed, and those who come after them in perpetuity.

§ 12. That said commissioners, original and in succession, shall, before they enter upon their duties as such, take an oath for the faithful performance of their duty, before a Justice of the Peace, and they shall be personally responsible for all the money that shall come to their hands as commissioners aforesaid, and for its faithful disbursement for the objects of this act.

§ 13. That said commissioners and their successors shall have power, after the removal of said dams or either of them, to make contracts for removing any other obstructions in said river, and in like manner submit the question of being taxed, to pay therefor, to the people.

§ 14. That if said commissioners determine to remove the Iles mill dam, or any obstruction in said river below the place where the Lexington and Big Sandy railroad crosses said river, as now surveyed, then they may also submit the question of being taxed to pay for the same to the voters of Fleming county, in the same manner before provided for in reference to the counties of Bath and Rowan.

§ 15. That the jury, in making their verdict, shall take into consideration as well the advantages as disadvantages arising to said owners of said mill dams, from the improvements of the navigation of said river.

§ 16. That if the county of Fleming, or any, precinct thereof, shall vote for a tax as provided in relation to the counties of Bath and Rowan, shall have the same right to elect two commissioners that the county of Bath has.

CHAPTER 669.

AN ACT to change the time of holding the terms of the Pulaski Quarterly Courts.

1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the terms of the Quarterly Court of Pulaski county shall hereafter be held on the second Mondays in March, June, September, and December and continue each term until the business of said court shall be completed.

§ 2. This act shall not take effect until the first day of August next.

Approved March 10, 1856.

CHAPTER 670.

AN ACT to change the time of holding the Nicholas County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the first day of July next the Nicholas County Court shall be held on the second Monday in each month, instead of the time now fixed by law.

Approved March 10, 1856.

CHAPTER 671.

AN ACT to change the May term of the County Court of Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the May term of the County Court for the county of Gallatin, shall be held on the fourth Monday in May, instead of the third Monday, as now provided by law.

Approved March 10, 1856.

CHAPTER 672.

AN ACT to amend the Common School Laws.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school year shall end on the 31st day of December. Immediately afterwards, in every year, the trustees of each school district shall report to the County Commissioner as required by law; but the oath of one trustee shall be sufficient in place of the oaths of the trustees. Said report must be, by said trustees, placed in the hands of the Commissioner before the tenth day of January in each year. The Commissioner shall, before the

When school
year expires

Trustees to re-
port to county
commissioner,
who is to re-
port to superin-
tendent.

1856.

fifteenth day of January in each year, prepare and mail, and before the fifteenth day of February must cause to be placed in the hands of the Superintendent of Public Instruction the report of said commissioner, required by law.

§ 2. Immediately after said last mentioned date, the Superintendent shall furnish the Auditor of Public Accounts with all the school reports legally in his hands on said date: and for that year no other shall be admitted. From these reports and from the returns of the Assessors for the same year, the Auditor shall, as soon as practicable, apportion the income of the school fund among the several counties as directed by law, and shall also apportion the share of each county among the several districts thereof in which a common school was actually taught in that year according to law, in proportion to the number of free white children in each district between the ages of six and eighteen years, as shown by the report of the School Commissioner to the Superintendent of Public Instruction for that year; but if no such report be in, then as shown by that report in the last preceding year.

§ 3. The provisions of this law shall apply to school agents or other school officers in cities and towns.

§ 4. That the Superintendent shall annually, before the first day of March, make his report, which, together with the returns and apportionments for the year then just past, shall be immediately delivered to the Public Printer, and he shall cause to be printed twenty thousand copies thereof, and the same shall be distributed according to law.

§ 5. The County Court of each county, in June next, or as soon thereafter as may be, and every two years afterwards, shall appoint one commissioner for common schools for the county; and upon his being qualified to act, the commissioners now authorized by law shall go out of office. The commissioner so to be appointed shall succeed to the office, power, and duties of the present commissioners; and the County Court, as aforesaid, may supply any vacancy in the office, and may remove the incumbent for any neglect of duty or misfeasance. The commissioner shall attend at the county seat on the first Thursday, Friday, and Saturday in January, to receive reports.

§ 6. The commissioner before acting, shall give covenant and take oath as required by law of the commissioners. He shall hold his office for two years, and until his successor is appointed and qualified; and it shall be his duty, at least once a year, to visit each district of his county, and there investigate the operations of the school system, and promote, by addresses or otherwise, the cause of public instruction.

Superintendent
to furnish Auditor
with school
reports, who
shall apportion
the school fund
among the sev-
eral counties.

Superintendent
to report by 1st
March, and to
be printed.

Each County
Court to appoint
a school com-
missioner.

Commissioner
to attend to re-
ceive reports.

Commissioner
to take oath and
execute bond.

§ 7. Each commissioner shall receive two dollars for each day he shall be actually employed in the duties of his office, but not exceeding fifty days in a year, to be paid out of the county levy.

§ 8. Each commissioner, when he goes out of office, shall, within ten days thereafter, deliver to his successor, or to the Clerk of the County Court for him, all money, property, effects, books, and papers under his control; and for failing to do so, he shall be fined one hundred dollars.

§ 9. Each commissioner, and also each trustee of a school district, for any neglect of duty or misfeasance, shall be fined any sum not exceeding twenty dollars, by the County Court, on motion, after ten days written notice.

§ 10. Each commissioner shall procure and pay over to the trustees of each district the money apportioned to it, as soon as practicable; and on failure to do so on demand, the trustees may recover the same by action against the commissioner, or against him and his sureties, or any of them, on his official covenant.

§ 11. If, from a failure to elect, or from any other cause, the office of trustee of a school district be vacant, the commissioner of the county shall supply the same, by his appointment in writing, to hold until the next election or until a successor is qualified.

§ 12. That the school commissioners of the several counties shall be authorized to form school districts, with a less number than twenty free white children between the ages of six and eighteen, where, in their judgment, the circumstances require it: *Provided*, That in no case shall a school district have a less number than fifteen children, of the description herein named.

Approved March 10, 1856.

1856.

Compensation to commissioner.

Commissioner to deliver to Clerk of County Court all money, books, &c., under his control.

May be fined for neglect of duty.

Commissioner to pay to trustees.

Commissioner to fill vacancies in trustees.

School districts may be formed with a less number than twenty children.

CHAPTER 676.

AN ACT to change the time of holding the Bracken County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Bracken county shall be held on the third Mondays in February and August, instead of the fourth Mondays thereof. This act to take effect on the 1st January, 1857.

Approved March 10, 1856.

1856.

CHAPTER 679.

AN ACT to amend an act, entitled, an act for the incorporation of Voluntary Associations, approved March 9, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, an act for the incorporation of Voluntary Associations, approved March 9, 1854, is hereby so amended, as to the second and third sections thereof, as to allow an association to file its articles of association by a committee of ten of its members, and the signatures of such ten members to the articles shall be sufficient, and none of the secret conditions of membership are required to be expressed in such articles.

§ 2. The sixth section of said act of March 9, 1854, is hereby repealed.

§ 3. The General Assembly reserves the right to alter or repeal the charter of any associations formed under the provisions of this act, and the act to which this act is an amendment, at any time hereafter.

Approved March 10, 1856.

President of
Board may sell
land on Licking.

CHAPTER 680.

AN ACT to provide for the sale of certain lands belonging to the Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President of the Board of Internal Improvement, with the advice and consent of the Governor and Auditor of Public Accounts, be and he is hereby authorized and empowered to sell and convey to the purchaser thereof the land, the title whereof is now in the Commonwealth of Kentucky, lying at or near Lock No. 1 and 2 on Licking river, in Kenton county upon such terms as may be agreed upon by the parties, and that he pay the proceeds of said sale in the public treasury: *Provided*, That the time, place, and terms of sale shall be advertised at least thirty days before the day of sale, in two newspapers printed in Covington.

Approved March 10, 1856.

Amount ap-
propriated.

CHAPTER 681.

AN ACT to improve the navigation of Big Sandy River.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of five hundred dollars be and the same is hereby appropriated for the purpose of removing

the obstructions to the navigation of Big Sandy River, known as the "Nigger Head" and "Keyser's Rocks."

§ 2. That George R. Burgess, Andrew J. Prichard, and Burr Powell, of Lawrence county, be and they are hereby appointed commissioners, and they are hereby authorized to contract for the removal of the obstructions to Big Sandy river aforesaid, known as the "Nigger Head" and "Keyser's Rocks": *Provided*, That said obstructions can be removed at a cost not exceeding the sum of five hundred dollars, so as to permit the free and safe navigation of said river at that point; and it shall be the duty of said commissioners, upon the completion of said contract to their satisfaction, to certify the same to the Auditor of State, and upon the presentation and delivery of such certificate to the Auditor, he is hereby authorized and directed to draw a warrant upon the Treasurer in favor of said commissioners for the sum of five hundred dollars, payable out of any money in the Treasury not otherwise appropriated.

1856.

Commissioners
and their duties
and powers.

Approved March 10, 1856.

CHAPTER 682.

AN ACT declaring Licking river, in Floyd county, navigable.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Licking river, in the county of Floyd, be and the same is hereby declared navigable from Licking Station to Jones' Mill: *Provided*, Nothing herein contained shall conflict with the interest of owners of mills on said stream, or prohibit the building of mill dams.

Approved March 10, 1856.

CHAPTER 704.

AN ACT to prevent fraudulent assignments in trust for creditors, and other fraudulent conveyances.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every sale, mortgage or assignment which shall be made by debtors in contemplation of insolvency and with the design to prefer one or more creditors to the exclusion in whole or in part of others, shall operate as an assignment and transfer of all the property and effects of such debtor, and shall inure to the benefit of all his creditors, except as hereinafter provided, in proportion to the amount of their respective demands, including those which are future and contingent; but nothing in this section shall vitiate or effect any mortgage made in good faith to

Sale, &c. made
in contempla-
tion of insolven-
cy to inure to the
benefit of all
the creditors,
except those
made simulta-
neously with debt
and recorded
within 30 days.

1856.

secure any debt or liability created simultaneously with such mortgage, and lodged for record within thirty days after its execution.

Property en-
voyed subject to
control of court

§ 2. All such transfers as are herein declared to inure to the benefit of creditors generally, shall be subject to the control of courts of equity, upon the petition of any person interested, filed within six months after the recording of such transfer, or the delivery of the property or effects transferred.

Any number
may unite in
suit.

§ 3. Any number of persons interested may unite in the petition; but it shall not be necessary to make persons defendants, except the debtor and the transferee; and the suit and proceedings as to the mode of proving claims, and otherwise, shall be conducted as suits and proceedings for the settlement of the estates of deceased persons are now required to be conducted, so far as the same are applicable.

Court may
compel transfer-
ee to surrender
property under
his control—

§ 4. The court may at any time pending the suit, and upon such terms as it shall deem proper, compel the transferee to surrender to a receiver of the court all the property and effects in his possession or under his control; and it may make such orders respecting the property as it may make concerning attached property. And when it is decided that a sale, mortgage or assignment was made in contemplation of insolvency, and with the design to prefer one or more creditors to the exclusion, in whole or in part, of others, the court shall compel the debtor to surrender to such receiver all property and effects in his possession or under his control, except such property as is exempt from execution, to disclose the amount of his debts, the names and residence of his creditors, all off-sets or defenses to any claim against him, or any other matter which shall be deemed proper—and the court shall also compel every person who shall acquire by purchase, assignment, or otherwise, any property or effects from such debtor, after the suit contemplated by this act shall be instituted, to surrender the same to such receiver.

Distribution of
assets.

§ 5. The court may make distribution of assets on hand, from time to time, and the decision of the court at the time of any distribution allowing or disallowing any claim, shall be held a final judgment and may be appealed from as other final judgments.

A *no execat* may
be granted.

§ 6. The court or Judge, or the Presiding Judge of a County Court, may grant against such debtor, in addition to the order of arrest now provided by law, a writ of *no execat*, when it shall be made to appear by affidavit that such writ is necessary to secure the surrender or disclosures provided for herein.

Preferred debts.

§ 7. In the distribution of the assets of any debtor, as provided in section 2, debts due as guardian or administrator, or executor, shall have priority.

§ 8. This act shall take effect from and after July 1st, 1856.

Approved March 10, 1856.

CHAPTER 706.

AN ACT to extend the time for registering surveys founded on Kentucky Land Office warrants.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time till the first day of January, 1860, be and the same is hereby given to register surveys founded on Kentucky Land Office warrants. Time extended.

§ 2. *Provided*, This act shall not effect any conflicting claim.

§ 3. This act shall take effect from the date of its passage.

Approved March 10, 1856.

CHAPTER 712.

AN ACT to amend in part the sixty-first chapter of the Revised Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall hereafter be the duty of the Secretary of State, in advertising for proposals to distribute the public books, reports, &c., to divide the State into eight districts, of as nearly equal size as may be, instead of three districts, as now provided by the eighteenth section, chapter 61, of the Revised Statutes, and that each contractor for carrying the public books, &c., to the several counties in the State, shall be required to distribute them in twenty days instead of forty days, as now required in said eighteenth section. Rev. Stat. 454.

§ 2. That section 22, chapter 61, of the Revised Statutes, be and the same is hereby repealed. Rev. Stat. 454.

§ 3. That it shall be the duty of the Secretary of State to cause the decisions of the Court of Appeals, reports, acts of Congress, and other public books, to which the several counties in this State may be entitled by law, to be distributed annually, as provided in the first section of this act: *Provided* it can be done at a cost not exceeding five hundred dollars. Public books to be distributed at a cost not exceeding \$500.

Approved March 10, 1856.

1856.

CHAPTER 730.

AN ACT for the benefit of the Eastern Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Appropriation,
\$17,331.

\$3,000 for re-
pairs.

No interest al-
lowed on debts
against institu-
tion.

Money to be
applied for the
purposes appro-
priated.

Agent to be
personally re-
sponsible for a
violation.

No money to
be drawn until
contract is made

§ 1. That the sum of seventeen thousand three hundred and thirty-one dollars is hereby appropriated to the Eastern Lunatic Asylum, at Lexington, for the purpose of liquidating the debt incurred for the support of said institution for the years 1854 and 1855—the appropriation of the last Legislature having not been sufficient for that purpose; also, two thousand five hundred dollars to repair water closets and bath rooms; and five hundred dollars to secure the windows in said building. All of which sums shall be paid out of any moneys in the Treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts, drawn in favor of the managers of said institution: *Provided*, That no interest shall be allowed or paid on any debts, or demands against said Asylum; and should the Treasurer of said Asylum in any case pay any such interest, the Auditor shall disallow it on settlement: *And provided*, That no debt shall be incurred by any agent or officer of said Asylum, for or on behalf of this State: *And provided*, That should any agent or officer of said Asylum create any such debt over and above the sum or sums appropriated, such person shall be liable therefor to the creditor, but the State shall in no event be liable for such debts.

§ 2. That it shall be the duty of the managers of said institution to let out the repairs contemplated by the foregoing section of this act, after sufficient public notice, to the lowest and best bidder; and should said managers exceed the appropriations hereby made for repairs, they shall be held personally liable for such excess.

§ 3. All sums herein specifically appropriated, shall be faithfully applied to the purpose specified, and shall not be diverted therefrom, under any pretense. The Auditor in making annual settlements with the Treasurer, shall take care that the provisions of this section shall be faithfully and strictly carried out; and any agent or officer of said Asylum who may divert an appropriation for a specific object, or any part thereof, to some other object, such agent or officer shall be personally liable to the extent of such diversion.

§ 4. Before any appropriation for repairs or improvements shall be drawn from the Treasury, a contract shall be made with some competent person, for the faithful performance of the specified repair or improvement, at a sum not exceeding the amount specifically appropriated, and bond with security taken for the performance of the contract, and said contract and bond filed with the Auditor.

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§ 5. The provisions of the second, third and fourth sections of this act shall apply to all the charitable institutions of this State, and all appropriations that may be made to said institutions.

§ 6. This act to take effect from its passage.

1856.

This act applicable to all other charitable institutions in the State.

Approved March 10, 1856.

CHAPTER 731.

AN ACT to provide for the extension of the area of the Penitentiary, and to build a new cell-house and hospital.

WHEREAS, The intention upon which was based the Penitentiary system of this Commonwealth, was to restrain and reform that unfortunate class of persons who might be subjected to its discipline: and whereas, the idea of restraint or safe-keeping does not preclude that of some comfort during the periods of rest or of sickness: and whereas, the present hospital and cells of said institution are totally at variance with all notions of comfort and safety, and are believed to be positively detrimental to the maintainance of good health and sound constitutions: and whereas, the present area embraced within the walls of said prison is not sufficient for the present number of prisoners, with their prospective increase: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to afford facilities for the extension of the area of the prison, and to build a new cell-house and hospital, the sum of twenty thousand dollars is hereby appropriated for that purpose, out of any money in the treasury not otherwise appropriated, together with all sums of money to which the State may be entitled from the operations of the institution, during the succeeding two years from the passage of this act.

Appropriation for new building.

§ 2. That in order to insure the economical and judicious use of the above appropriated sums of money for the purposes herein stated, that the Governor, Charles S. Morehead, Dr. W. C. Sneed, A. W. Dudley, and Dr. R. J. Spurr, be, and they are hereby appointed commissioners, with power to select plans for the proposed improvement, to contract for the erection of the same, and to superintend and direct its construction: *Provided*, That in making a contract for the proposed work they give a sufficient notice of the time of the letting of the work, through the newspapers published at the seat of government of the State, and that the contract be let to the lowest and best bidder.

Commissioners to select plans for proposed improvement.

§ 3. That in case of a vacancy occurring from death, resignation, or otherwise, in this board of commissioners,

Governor to fill vacancies in the commissioners.

1856.

the Governor of the Commonwealth be, and he is hereby, empowered to fill the same.

§ 4. That all acts of this board of commissioners shall require a concurrence of not less than three of its members.

~~Concurrence
of three of the
Board necessary~~

Approved March 10, 1856.

CHAPTER 733.

AN ACT for the benefit of John P. Campbell, Samuel Shryock, and James F. Buckner, late Building Commissioners of the Western Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be, and he is hereby, authorized and required to draw his warrant upon the Treasurer of this Commonwealth in favor of John P. Campbell, Samuel Shryock, and James F. Buckner, late building commissioners of the Western Lunatic Asylum, for the following sums, as a compensation for services rendered by them, viz: in favor of John P. Campbell, for the sum of six hundred dollars; Samuel Shryock, for the sum of two hundred and fifty dollars; in favor of James F. Buckner, for the sum of fifteen hundred dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

~~Appropriation
to the building
committee of
Western Lunatic
Asylum.~~

Approved March 10, 1856.

CHAPTER 741.

AN ACT to fix the salary of the Judge of the Louisville City Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Judge of the City Court of Louisville shall receive an annual salary of two thousand dollars per annum, payable out of the treasury of this Commonwealth quarterly; and in consideration of the fines and forfeitures recovered in favor of the Commonwealth in said court, granted to the city of Louisville, it shall be the duty of said city, on the first day of December next, and on the first day of December in each succeeding year, to pay into the treasury of this Commonwealth the like sum of two thousand dollars.

~~Salary of City
Judge of Louis-
ville, \$2,000.~~

§ 2. This act shall take effect and be in force from its passage; and the salary of said Judge, at two thousand dollars, shall be computed from the first day of December last.

~~Salary to be
paid from De-
cember 1, 1856.~~

Approved March 10, 1856.

CHAPTER 744.

1856.

AN ACT prescribing the mode of proving the laws of any of the States or Territories.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the statute laws of any of the States or Territories of the United States, may be proved by the production of the printed volumes or pamphlets published by the authority of such State or Territory, and containing such laws; and the printed statement in such volume or pamphlet, that it is so published by authority, shall be *prima facie* evidence thereof. This act to take effect from its passage. (a)

The statute laws of any state or territory may be proved by printed volumes

Rev. Stat. 314, sec. 25.

Approved March 10, 1856.

CHAPTER 750.

AN ACT concerning the Greenup Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the July equity term of the Greenup Circuit Court shall also be a term for the trial of criminal and penal causes.

Approved March 10, 1856.

CHAPTER 751.

AN ACT concerning Express Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons and companies setting up, establishing, or carrying on the business of transportation, commonly called an express company, by whatsoever name they may be styled, and engaged in the business of carrying articles of any kind for a reward, express or implied, shall be subject to all the liabilities of common carriers.

Express companies are common carriers.

§ 2. Such persons and companies shall file with the Clerk of the County Court of each county where they have an agency or office, a statement showing the full name of every such person and the style of such company, when and where incorporated, place of residence and business, and the amount of capital employed; and also an agreement that legal process served on any agent, manager, or officer of such persons or companies, shall be a good service upon such persons or companies, which the clerk shall cause to be published as a standing advertisement in some public newspaper in his county or nearest

Company must file in the clerk's office of each county where it has an agency a statement of its condition, and names of the company.

When to be filed.

(a) See the case of *Taylor vs. Bank of Illinois*, 7 Monroe, 586, in which it is decided, that a printed copy of the laws of Illinois was competent evidence.

1856.

~~To be advertised in newspaper.~~~~Fee to clerk.~~~~Penalty for non-compliance with this act.~~~~Act to apply to non-residents only.~~~~A deputy clerk to remain in Covington.~~~~The deputy to keep a record.~~~~The deputy shall send lists to the principal daily.~~

thereto, until a new statement is made. Such statement shall be verified by the oath or affirmation of every person engaged in the business aforesaid, or of the chief officer of such company, if incorporated, and filed on or before the day this act takes effect, and on the first days of July and January thereafter. For receiving and causing to be published said statement, the clerk shall be entitled to receive the sum of one dollar and the cost of advertisement. A copy of the statement published as aforesaid shall be received in evidence as a certified copy might be.

§ 3. Every person or company, their agents and servants, who shall carry on said business before said statement is filed and published as herein directed, shall be guilty of a misdemeanor and subject to a fine of not less than ten nor more than one hundred dollars for each offense.

§ 4. This act shall not apply to any express company wholly composed of residents of this State, or to any corporation chartered by this State, except to impose the liabilities of a common carrier; nor shall it apply to any person engaged in the ordinary business of transportation as common carrier or otherwise.

Approved March 10, 1856.

CHAPTER 759.

AN ACT to regulate the office of the Kenton County Court Clerk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Clerk of the Kenton County Court shall keep a Deputy in the city of Covington, whose duty it shall be to keep an office in said city, in which he may be found during the usual hours, prepared to do all the business the Deputy of a County Court Clerk is authorized by law to do. The Deputy at Covington shall keep a record of all papers which are required by law to be recorded in the office of the County Court Clerk, other than orders of the County Court, and thirty cents shall be added to the Clerk's fees for the recordation of every deed, mortgage and will.

§ 2. The said Deputy shall send to the office of his principal, at Independence, daily a list of all the deeds and mortgages which have been left with him for record since the transmission of the list of preceding day, and when none have been left for record, he shall send a statement of that fact in lieu of the list; and once a week he shall send to Independence, to the office of his principal, all the papers which he has recorded in his office, which his principal shall certify as having been recorded in both offices.

§ 3. The Clerk at Independence shall send to the office at Covington, daily a list of all the deeds, and mortgages, and wills which have been left with him for record, since the transmission of the list of the preceding day, and when none have been left with him, he shall send a statement of that fact instead of the list; and once a week he shall send to the office at Covington all of the papers which have been recorded by him, and which have not been recorded in Covington; and the papers thus sent shall be recorded in the office at Covington.

§ 4. All of the deed-books, mortgage-books, and will-books, and the index-books and indexes belonging to them, which are in the County Court Clerk's office at Independence when this act takes effect, shall be copied into suitable books for the Covington office, upon terms to be agreed on by the Clerk of said Court and the city of Covington, said city agreeing to pay for the work; and this act shall take effect from the date of such agreement.

§ 5. Nothing in this act contained shall be construed to prevent the Clerk from performing in person, the duties prescribed for the Deputy at Covington, nor from performing his duties at Independence by Deputy.

Approved March 10, 1856.

1856.

The clerk to send a list to Covington daily

All the record books to be copied, and copy sent to Covington.

CHAPTER 762.

AN ACT to re-organize Transylvania University and establish a school for teachers.

WHEREAS, The system of public instruction in Kentucky—originally designed by legislative enactments to extend the means of a common school education to all the youth of the State, adopted afterwards as part of its organic law, and further enlarged in its revenues by additional taxation, voluntarily imposed, on two occasions, by large majorities of the people of this Commonwealth—has become completely and permanently established; and it being indispensably necessary, in the thorough and efficient operation of said common school system, to provide a sufficient supply of competent teachers, composed, as far as it may be practicable of citizens of Kentucky, and to secure this end by furnishing the means of instruction for said teachers beyond what can be supplied in the district schools, now or hereafter established by law: and whereas, the Transylvania University—which was, at the time of its foundation, intended as a State institution—affords peculiar and great advantages in its grounds, buildings, endowments, libraries, and various properties, possessions, and franchises, (all of which have been tendered to the State by the Trustees of said University,) for

1856.

the successful execution of a plan combining every advantage of a normal school with those which can be derived from general university instruction—wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appointed and constituted a Board of Trustees of Transylvania University, which shall consist of the Governor, Lieutenant Governor, and Secretary of State of this Commonwealth, the Chief Justice of the Court of Appeals, the Attorney General, the Speaker of the House of Representatives, and the Superintendent of Public Instruction, *ex officio*, and of the persons who, at the passage of this act, are actually in office as Trustees of Transylvania University, to-wit: Madison C. Johnson, Benjamin Gratz, John J. Hunter, George B. Kinkead, Robert W. Woolley, William A. Dudley, and Joel Higgins, who, and their successors forever, shall be a body politic and corporate, having all the rights, privileges, powers, and franchises now possessed by the Board of Trustees of Transylvania University, except so far as they or any of them are modified by this act: *Provided*, That the Trustees of said University who do not hold their offices *ex officio* shall at no time hereafter exceed seven in number; and the successors of such Trustees shall, whenever a vacancy in office may occur, be elected by the Board of Trustees created by this act—any citizen of the State, but no other person, being eligible. The Board of Trustees created by this act shall convene within ninety days after its passage, at a time and place to be designated by the Governor of the Commonwealth, and shall then and there—any five members being present—constitute, and forthwith enter upon the discharge of their duties, and become invested with all the rights, privileges, powers, properties, and franchises intended to be embraced by this act; and thereupon, all the powers of the present Board of Trustees of Transylvania University shall cease and determine. The present Board of Trustees of said University shall, within ninety days after the passage of this act, by agreement in writing, tender to the Governor of the State their consent to all the alterations in the organization of Transylvania University made by this act.

§ 2. Every county in the State shall have the right to keep one pupil at said University continually, free of all charge for instruction; every city having separate representation, and every county having more than one representative shall also have the right to keep one pupil, but no more, for every member it may send to the lower branch of the General Assembly, to be taught in like manner as above provided—making the number of pupils of this description, at the present time, one hundred and sixteen.

Board of trustees appointed.

When to convene.

Present board to tender their consent to this act.

Every county may keep one pupil at school.

But no person shall be taught in this manner for more than two full university years; and all persons thus taught shall be considered to be under an obligation of honor, and shall so expressly bind themselves in writing, to pursue the profession of teachers of common schools in this State, and in the counties from which they have been sent, for a period at least as long as they have been themselves taught as aforesaid. Each pupil who may receive instruction at the Transylvania University, under the provisions of this section, shall be allowed, in addition to such instruction, the sum of one dollar and fifty cents per week during the entire term time he may be taught as aforesaid. In each county, the persons who shall enjoy the benefits aforesaid, shall be selected, from time to time, by the school commissioners of the several counties in this Commonwealth; and all such appointments shall be considered a public distinction, and reward of merit, and shall be conferred on the most worthy, without regard to any other consideration.

§ 3. No person shall be deemed entitled to receive the benefits provided in the foregoing section, who, at the time of his selection, is not more than sixteen nor less than thirty years of age, of intelligence, steady habits, and good moral character, and who has not resided in the State two years next preceding his selection, and the last year thereof in the county or city for which he may be chosen.

§ 4. The collegiate terms of the University shall commence on the first Monday in September of each year, and terminate on the last Wednesday in June thereafter; and the pupils who are to enjoy the benefits provided in the second section of this act, shall be selected by the school commissioners of their respective counties, not less than one nor more than four months before the commencement of the collegiate years of the University. It shall be the duty of the commissioners to make out duplicate reports, in writing, of said selections, one of which shall be forwarded to the Superintendent of Public Instruction, the other to the Secretary of the University, to be filed and preserved in their respective offices. It shall also be the duty of the Secretary of the University, on the receipt of each report from a commissioner, to make a memorandum of the name and age of the student so reported, the date of his selection, and the county or city from which he may be sent.

§ 5. The pupils to be selected under the foregoing provisions of this act, shall be taught at the University in the manner as follows, to-wit: the first pupils selected—amounting in all to one hundred and sixteen in number—shall be taught during the first collegiate term, beginning in September and ending in the month of June ensuing,

The pupils
to be designated
by school com-
missioners.

Qualifications
of pupils.

When col-
lege
term to com-
mence.

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as aforesaid. After the expiration of the term, said pupils shall return to the counties and cities whence they came, and pursue the profession of teachers, in the district schools of said counties and cities, for the period of one year. Having taught as above mentioned, they shall each re-enter the University, at the commencement of its third collegiate term, and receive instruction for one year longer—making two years tuition in all—and it shall thereupon be the duty of said pupils to return to their respective counties and cities, and pursue the profession of teachers, as above required, for a second year. Before the commencement of the second collegiate term of the University, the school commissioners of the several counties of the commonwealth shall each send additional pupils to the University, according to the method provided in the foregoing sections of this act, who shall receive instruction at the University, and pursue the profession of teachers in the counties and cities whence they respectively came, on the same terms and conditions hereinbefore prescribed: *Provided*, That whenever the place of any pupil may become vacant during the time said pupil is receiving instruction at the University, the school commissioner of the county whence he was sent shall have power to fill such vacancy by the appointment of another pupil, who shall receive instruction during the unexpired period of tuition, if the same be greater than one collegiate year, and for said period and one year thereafter if such period be less than one collegiate year, and who shall pursue the profession of a teacher, in the county or city whence he was sent, for a period at least as long as he was taught at the University.

§ 6. Every pupil who has been taught for the period of two full years at the University, or for a period less than two years, under the proviso in the preceding section, shall have the right, after he has pursued the profession of a teacher as hereinbefore provided for as long a time as he was taught at the University, to enjoy the benefits of tuition at the University free of charge for an additional period not to exceed one year; and all persons taught under the provisions of this section shall be considered to be under an obligation of honor, and shall so expressly bind themselves in writing, to pursue the profession of teachers of common schools in this State for a period at least as long as they have been taught as aforesaid at the University.

§ 7. It is not designed by this act to confer the benefits of gratuitous instruction in the law or medical schools of Transylvania University. Those schools, and all other schools, faculties, and properties in any way connected with said university, are and shall be as completely under the control of the Board of Trustees created by this act as the

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Other pupils
may attend the
University.

Trust upon
which the prop-
erty is held to
be inviolate.

System of in-
struction to be
arranged by the
trustees.

peculiar department hereby re-organized; and that to all intents and purposes, any act or any part of any act to the contrary notwithstanding. But as no special aid is hereby designed to be rendered, so no special obligations are hereby imposed on either of said schools or faculties.

§ 8. Other pupils besides those contemplated in the preceding sections of this act shall be allowed to attend the university, upon such terms and conditions, and to receive all its benefits, for such moderate fees as may be ordained and established, from time to time, by the Board of Trustees.

§ 9. The trusts and conditions to which the property and funds of Transylvania University are now subject, and which the present Board of Trustees of said University have no power of changing or violating, shall be held inviolate by this act; but nothing in this section shall be construed so as to prevent any change in the charter or organization of the University which can be effected by procuring the consent of said Trustees; but said consent is hereby required, wherever it can be given without impairing any vested right, to all changes which the Board of Trustees created by this act may deem expedient and necessary in order to effect a complete re-organization of the Transylvania University, and establishment therein of a school for teachers.

§ 10. The whole system of instruction and course of studies in Transylvania University shall be arranged by the Board of Trustees created by this act, with special reference to the fact that the department of said University hereby re-organized is intended to furnish the Commonwealth of Kentucky with a sufficient and constant supply of good teachers, who are to be citizens of this State, while at the same time it may incidentally afford the means of instruction to pupils who may not have in view the profession of teaching. All legislative enactments organizing the literary and scientific departments of said University, except so far as they are amended by this act, are to remain in full force. There shall be a president and at least four professors in the academic department of said University; and in order to carry out more fully the purposes contemplated in this act, the chair of the president, and that of each of the professors, shall be considered a school in itself, whose particular course of studies shall be such as may be prescribed by the Board of Trustees; and all branches of learning usually taught in the district schools of this Commonwealth, together with the theory and practice of teaching, shall be embraced in some one or other of the professorships of Transylvania University. The Board of Trustees created by this act shall also have power to appoint the president and all professors and teachers in said University, and to

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remove the same at pleasure—the majority of all the Trustees concurring in every act of removal. Said Trustees are hereby required to report in writing to the Legislature, at every biennial session thereof, the condition and progress of the institution, and the number and condition of the pupils taught during each collegiate year of said University.

Appropriation—
how to be ap-
plied.

Amount charge-
able against the
school fund.

When act to
take effect.

§ 11. To carry out the intentions of this act, the Superintendent of Public Instruction shall draw an order or orders on the Auditor of Public Accounts at such times as may be suggested by the Board of Trustees, for a sum sufficient—first, to defray the expenses of the pupils taught under the provisions of the second section of this act; secondly, to the payment of the salaries of a sufficient number of competent professors and teachers; and thirdly, to such incidental expenses as may be absolutely necessary; and to meet those expenses, the sum of twelve thousand dollars is hereby set apart, out of the common school fund, and to be paid out of the Treasury on orders to be drawn as aforesaid. Whereupon, the Auditor shall draw his warrant upon the Treasury, in the usual manner; and all such warrants, and payments made on them, shall be charged to the school fund in all the public offices through which they pass. The funds now accruing to the Transylvania University, and amounting at present to a sum of more than three thousand dollars per annum, shall be appropriated to the payment of the salaries of professors, and to defraying the incidental expenses, of said University. The salaries of the professors and teachers paid out of this fund, and also the fund appropriated by this section, shall be paid half yearly, as the public money is received. Nothing in this section shall be construed to prevent the trustees from allowing any of the professors or teachers additional compensation, if they may think proper, out of the fees of such pupils as do not receive gratuitous instruction.

§ 12. This act shall take effect as soon as the consent of the present Board of Trustees of Transylvania University is signified, and the Board of Trustees created by it shall be fully organized and constituted, as herein before provided. The General Assembly reserves the right to alter, amend, or repeal this act, or any part of it, at any time hereafter.

Approved March 10, 1856.

CHAPTER 765.

AN ACT to change the time of holding the Washington Quarterly Court and County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Washington Quarterly Court,

shall be held on the fourth Monday in January, April, July and October, and continue as many juridical days as the business may require, instead of the times now fixed by law.

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Quarterly Courts.

County Courts.

§ 2. That the March and September terms of the Washington County Court shall hereafter be held on the fourth Monday in said month, instead of the time fixed by law. But nothing herein shall be construed to change the time of holding said court in the other months.

Approved March 10, 1856.

CHAPTER 767.

AN ACT to increase the jurisdiction of Justices of the Peace in Jefferson county and the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Justices of the Peace in Jefferson county and the city of Louisville shall have original common law jurisdiction of causes of action for the recovery of money or personal property, evidenced by writing or due by account, where the amount in controversy does not exceed one hundred dollars; and the proceedings shall be the same as are now had before said Justices, and appeals may be prosecuted as in other cases.

Jurisdiction extended to one hundred dollars.

§ 2. All process, executions, and writs issued by said Justices, shall be executed by the officers whose duty it now is to execute process, executions, and writs issued by said Justices, and under the same rules and liabilities, and to be enforced in the same way.

§ 3. Upon actions for more than fifty dollars, the Justice shall collect and account for a tax of fifty cents, as clerks are required to do.

Fifty cents tax to be levied.

§ 4. This act shall take effect from its passage.

Approved March 10, 1856.

CHAPTER 768.

AN ACT supplemental to an act appropriating the revenue of Muldrough's Hill Turnpike Road to Taylor county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That, in order to carry out the provisions of an act appropriating the revenue of Muldrough's Hill Turnpike Road to Taylor county, approved January 9, 1852, the net dividends arising from tolls on said turnpike road, from the 1st day of January last past, shall be expended by and under the direction of the President of the Board of Internal Improvement in the construction of the un-

Net dividends of road to be appropriated to finishing another road.

1856.

finished portion of the Muldrough's Hill, Campbellsville and Columbia Turnpike Road that lies between the terminus of the State turnpike road, over Muldrough's Hill, near James Saunders, and the forks of the road at Sullivan's old place, in distance supposed to be a mile and a half; and said tolls shall be so appropriated and expended until said piece of unfinished road is completed and paid for.

State to be a stockholder to the extent of tolls appropriated.

§ 2. The State shall be a stockholder in said Muldrough's Hill, Campbellsville and Columbia Turnpike Road Company to the extent of the tolls so expended on said piece of unfinished road; and when said piece of road is finished, it shall form a part of the road of said company, and be under their control and management, and the President and Directors of said company shall from time to time, as dividends may be declared on the capital stock of said company, assess a dividend in favor of the State as a stockholder therein to the extent of her expenditures for said piece of road, and pay such dividends from time to time into the Treasury of the State; and they shall keep the same in repair as any other portion of their said road.

§ 3. This act shall take effect from its passage.

Approved March 10, 1856.

CHAPTER 771.

AN ACT repealing an act, entitled, an act to prevent the destruction of fish in Salt river, approved March 6, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, "an act to prevent the destruction of fish in Salt river," approved March 6, 1854, be and the same is hereby repealed.

Approved March 10, 1856.

CHAPTER 772.

AN ACT to provide for paying debts due to the contractors of the Western Lunatic Asylum.

WHEREAS, it appears from the report of the commissioners appointed by an act of the last General Assembly to settle with the building commissioners of the Western Lunatic Asylum, that there is a balance due to the contractors, of the sum of seventeen thousand three hundred and twenty-five dollars and ninety-one cents; for the payment whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventeen thousand three hundred and twenty-five dollars and ninety-one cents, be and the same is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the payment of the debts due to the contractors for work done on said Asylum; that said sum shall be paid over to Robert McKee, Zach Glass, and John Stites, commissioners for the payment of said contractors.

Amount appropriated.

§ 2. That before said sum shall be drawn by said commissioners, they shall file in the office of the Secretary of State a bond, with good security, in the penalty of twenty thousand dollars, to be approved of by the Governor, conditioned for the faithful appropriation of said money.

Commissioners to file bond.

§ 3. That said commissioners shall take from said contractors, or assignees to whom said sum may be due, receipts for the money so paid them, specifying for what said sum was paid; and upon the return by said commissioners to the Governor of the receipts of said contractors or their assignees, showing the payment of the sum of money due them respectively, then the Governor shall order the bond so executed by said commissioners to be cancelled and returned to said commissioners; and that this act shall take effect from its passage.

Receipts to be required.

Approved March 10, 1856.

CHAPTER 780.

AN ACT to change the time of holding the Court of Claims in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That from and after the passage of this act the Court of Claims for Montgomery county shall be held at the November term in each year.

Approved March 10, 1856.

CHAPTER 781.

AN ACT changing the times of holding the County Courts in Powell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That the County Courts of Powell county shall be held on the first Monday in each month, and the Quarterly Courts shall be held on the first Mondays of March, June, September, and December, in each year.

Approved March 10, 1856.

1856.

CHAPTER 782.

AN ACT to change the time of holding the Quarterly Court of Butler county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Quarterly Courts of Butler county shall hereafter commence on the Wednesday after the second Monday in January, April, July, and October, and shall continue as long as the business in said court requires.

§ 2. All laws inconsistent herewith are repealed. This act to take effect from its passage.

Approved March 10, 1856.

CHAPTER 787.

AN ACT changing the times of holding the County Courts in Montgomery county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Courts of Montgomery county shall be held on the third Mondays of each month, except in the months of February and August, when they shall be held on the fourth Mondays of said months.

§ 2. The Quarterly Courts shall be held on the third Mondays of January, April, July, and October in each year, in place of the time now fixed by law.

Approved March 10, 1856.

CHAPTER 788.

AN ACT to change the time of holding the County Court in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Judge of Henderson county shall hereafter hold his Quarterly Courts on the first Mondays in January, April, July, and October, and be governed in all other respects by the law now regulating the duties of County Judges. This act shall take effect from its passage.

Approved March 10, 1856.

CHAPTER 789.

AN ACT to change the time of the meeting of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter the stated biennial meetings of the

General Assembly of the Commonwealth of Kentucky,
shall commence on the first Monday of December.

1856.

Approved March 10, 1856.

CHAPTER 793.

AN ACT to amend the 676th, 677th, 678th, and 679th sections of the Code of Practice in civil cases, title, "Perpetuation of Evidence."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person desiring to perpetuate the testimony of a witness residing in this State, may present to a Judge of the Circuit Court, or the Presiding Judge of a County Court, a petition subscribed by the petitioner, and verified by his affidavit, to the effect that he believes the statements thereof are true; stating, 1. That the petitioner expects to be a party to an action in a court of this State; also, the name, if known, of the adverse party, whether or not he is a resident of this State, and whether or not of full age. 2. That the evidence of a witness, whose name and residence, together with the facts, generally, expected to be proved, shall be stated, is believed by the petitioner to be material for him. 3. The obstacles preventing the action being immediately brought; where the petitioner expects to be plaintiff. The Judge may, thereupon, in his discretion make an order for the examination of the witness, stating in said order the time, place and manner of taking the deposition; and if the Judge making the order be a Judge of the Circuit Court, he shall file said petition and order in the office of the Clerk of his Court; and if the order is made by the Presiding Judge of the County Court, and he would have jurisdiction of the matter in controversy, he shall file said petition and order as other petitions are filed in his court—otherwise he shall file said petition and order in the Clerk's office of the Circuit Court. Where the petition and order are filed in the office of the Clerk of the Circuit Court, and the adverse party is a resident of this State, said clerk shall issue a summons thereon according to the provisions of this Code applicable to other cases; and if filed with the Presiding Judge of a County Court, said judge shall issue a summons thereon according to the provisions of this Code regulating other cases in his court; and the summons from either court may be served as in other cases. If the adverse party be an infant, non-resident, or unknown, the Judge may order a guardian *ad litem* and attorney to be appointed to defend and cross-examine for the adverse party, and warning orders to be made, subject to all the rules and regulations of this Code in regard to the appointment of guardians *ad litem* and attorneys, and

Amendments
to sections 676,
677, 678, 679 Civ.
Code.

1856.

the making of warning orders in other cases; and when the foregoing provisions of this act have been complied with, the petitioner may proceed to take the deposition of the witness in the manner prescribed in this Code: *Provided*, The party seeking to perpetuate the testimony shall pay all costs incurred.

Approved March 10, 1856.

CHAPTER 795.

AN ACT to change the time of holding the Quarterly Courts in Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the terms of the Quarterly Courts in Meade county shall hereafter be held on the third Mondays in December, March, June, and September, instead of the time now provided by law. This act to take effect from the first day of April, 1856.

Approved March 10, 1856.

CHAPTER 809.

AN ACT to legalize the February term of the Casey County Court, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Proceedings
legalized.

That the proceedings of the Casey County Court, held on the second Monday of February, in the year 1854, be and the same are hereby legalized; and that all the acts and orders of said court, either judicial, executive, or ministerial, are hereby declared to have the same force, effect, and validity, in law or equity, as if said court had been held on the fourth Monday in said month.

Approved March 10, 1856.

CHAPTER 812.

AN ACT in relation to the tolls on the Kentucky River Improvements.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Tolls on Ken-
tucky river.

That hereafter all boats and other crafts that may descend the Kentucky river from above the influence of slack-water, shall pay one half the tolls that are now charged upon boats and other crafts starting within the influence of slack-water.

Approved March 10, 1856.

CHAPTER 814:

1856.

AN ACT to give a term to the Rockcastle County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of the county of Rockcastle shall hereafter hold a term on the fourth Monday in March in each year.

Approved March 10, 1856.

CHAPTER 815.

AN ACT to change the time of holding the Breathitt Quarterly Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the time of holding the Quarterly Courts of Breathitt county shall be changed from the first Monday to the Tuesday after the third Monday in each month in which they are now held. This act to take effect from and after the next March term.

Approved March 10, 1856.

CHAPTER 821.

AN ACT allowing a change of venue in certain cases.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an application for a change of venue may be made on proper notice, in a civil action, to the Judge of the circuit in which the action is pending, or any Circuit Judge of an adjoining circuit.

Application for a change of venue may be made to a Circuit Judge.

§ 2. If a party to any action shall make affidavit that he verily believes the Judge of the court in which the action is pending will not do him justice in the case; and, in case of the refusal of the Judge to act, that he does not believe that any attorney attending said court, (and not engaged as counsel in the case,) qualified to try the same, will do him justice, he shall be entitled to a change of venue to some court in an adjoining circuit.

Causes for change of venue
Rev. Stat. sec. 116, "change of venue."

Approved February 15, 1856.

1856.

CHAPTER 930. (a)

AN ACT to increase the compensation of Assessors, and to pay Sheriffs for reporting tax lists.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the amount allowed Assessors for their services under article six, chapter eighty-three, of the Revised Statutes, entitled, Revenue and Taxation, shall be ten cents for each list of taxable property, to be paid as heretofore.

§ 2. The Sheriff shall be entitled to twenty-five cents for each list of taxable property that may be reported by him on or before the Court of Claims in any year, and which the Assessor fails to report for taxation that year; and upon the Sheriff's report thereof being approved by the County Court, and certified to the Auditor, he shall draw his warrant on the Treasurer, in favor of the Sheriff, for the amount of the allowance hereby made him.

Approved March 10, 1854.

Compensation
to Assessors in-
creased.

Allowance to
Sheriff for re-
porting tax lists
omitted by As-
sessors.

(a) This act, by inadvertence, was printed with the local laws of the session of 1853-4, and is now re-printed with the Public Acts of last session.

RESOLUTIONS.

No. 1.

A RESOLUTION to fire a National Salute on the 8th of January and the 22nd of February.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That his Excellency, the Governor, be requested to order a salute to be fired on the 8th of January, instant, in honor of the victory won at New Orleans over the enemies of our common country, and on the 22nd day of February next, in honor of the birth-day of General Washington.

National salutes
to be fired 8th
January and 22d
February.

Approved January 7, 1856.

No. 2.

A RESOLUTION in relation to the election of Public Printer and Librarian.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That they will proceed, by joint vote of both houses, on Friday, the 25th of January, instant, to elect a Public Printer and Librarian.

Approved January 21, 1856.

No. 3.

PREAMBLE AND RESOLUTIONS in relation to the Tobacco Trade.

WHEREAS, divers commercial treaties, upon the principle of reciprocity and mutual expected benefit, have been made by the United States with foreign nations, and the policy of making such treaties is growing rapidly into favor among civilized governments, and although the equivalents granted in such treaties by the Government of the United States, to the powers and interests with whom they have heretofore treated, have been furnished and conceded at the expense of all of the States, yet no favor has been granted in return to the tobacco interest of this or of the other planting States. The excessive and unprecedented duties and exactions imposed upon that article by all European Governments continue, and are only limited by the need for revenue of those governments; and whereas, Kentucky has long felt the necessity of some energetic action on the part of the General Government

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in behalf of her citizens engaged in the production of this, her most important article of export: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That it is the duty of the Government of the United States, in all future treaties with foreign countries, to see that the great staple of tobacco is placed on an equal footing with the other great agricultural interests of our common country.

2. That our Senators in Congress be instructed, and our Representatives requested, to urge upon the Federal Government the propriety of using every means in its power to produce a more liberal policy on the part of those foreign governments now imposing such restrictions and having such monopolies on this branch of our national wealth.

3. That we respectfully urge upon the members of the Southern Commercial Convention, at their next meeting, to take this subject into consideration, with a view to bring it more prominently before the different States of the Union, and especially to the notice of those States more directly interested in the culture, and consequently in the increased demand of tobacco.

4. That the Governor be requested to forward a copy of the above preamble and resolutions to the President of the United States, our Senators and Representatives in Congress, and the President of the Southern Commercial Convention, soon to assemble at Richmond.

Approved January 28, 1856.

No. 4.

Resolution in relation to the inspection of tobacco, pork and flour in New Orleans.

WHEREAS, it is represented to this General Assembly, that it is contemplated by the Legislature of the State of Louisiana to abolish the voluntary system of inspection of pork, flour and tobacco, in the city of New Orleans, and such a step would result in serious loss and great inconvenience to the producers of those articles in the State of Kentucky: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Legislature of the State of Louisiana be and it is hereby earnestly and respectfully requested to permit the voluntary system of inspection to remain as it now is, for experience has shown that under its operations, the producers of Kentucky have been much more benefited, than under the old compulsory system of inspection.

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Resolved, That the Governor of this Commonwealth be requested to forward a copy of this preamble and resolutions to the Governor of Louisiana, with a request that he lay them before the Legislature of that State.

1856.

Approved February 9, 1856.

No. 5.

PREAMBLE AND RESOLUTION directing the Public Printer to publish preamble and resolutions in reference to the death of Henry Clay.

WHEREAS, the preamble and resolutions adopted at the last session of the General Assembly in respect to the memory of Kentucky's illustrious son, Henry Clay, were not, in consequence of some inadvertence, published in the session acts: Be it therefore

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be and he is hereby directed to publish in the next volume of the session acts said preamble and resolutions as a portion of the Legislative history of the State.

Approved February 9, 1856.

The preamble and resolutions above referred to are as follows:

WHEREAS, it has pleased the Almighty to remove, by death, from our midst, our most eminent citizen, Henry Clay, we feel that Kentucky owes it to herself to place upon her own records some enduring evidence of the estimation in which she holds the purity of his public life, the soundness of his principles and patriotism, and of the profound sorrow with which the Commonwealth has been impressed by this sad bereavement. Be it therefore

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the melancholy intelligence of the death of our illustrious citizen, Henry Clay, was received by the people of Kentucky with the deepest and most painful sensibility. His long, brilliant, and patriotic services in the councils of the State and nation; his devoted and successful labors in behalf of the Union, and the cause of liberty; his matchless oratory and unrivalled statesmanship, have created an affection for his name and memory in the hearts of his countrymen that will be cherished to the latest generation.

2. That as a token of our respect for the memory of the deceased, the sergeants-at-arms of the two houses of this Assembly are instructed to have their respective halls clad in mourning for the residue of the session.

3. That as a further token of our respect for the mem-

RESOLUTIONS.

1856. *ory of the deceased, we will wear the usual badge of mourning on the left arm for the space of thirty days.*

No. 6.

RESOLUTION in relation to furnishing State Charitable Institutions with certain public books.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Secretary of State be directed to furnish to each of the State Charitable Institutions, one copy of the acts and journals of the General Assembly, which may hereafter be published.

Approved February 25, 1856.

No. 7.

RESOLUTION to extend the present session of the General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

Two thirds of the members elected to the Legislature concurring therein, that the present session of the General Assembly shall be continued until and including the 3d day of March, 1856.

Approved February 25, 1856.

No. 8.

RESOLUTION directing the printing of the common school laws in pamphlet form.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the public printer be and he is hereby directed to print all laws now in force, and which may be passed by the present Legislature, in relation to common schools, in pamphlet form, under the supervision of the Superintendent of Public Instruction; and that said Superintendent forward to the Common School Commissioner or Commissioners a number of said pamphlets equal to the number of common school districts in each county.

Approved February 23, 1856.

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No. 9.

PREAMBLE AND RESOLUTION in relation to the bill in favor of the Soldiers of the Revolutionary War, introduced into the Senate of the United States by Senator Evans, of South Carolina.

WHEREAS, It is the duty of the Government of the United States, at all times, and in a proper manner, to encourage loyalty and true patriotism, by rewarding the labors of those who were personally engaged in the trials and achievements of the revolutionary war ; and whereas, a bill having this object in view was introduced into the Senate of the United States, on the 6th day of February, 1854, by Senator Evans, from South Carolina ; and whereas, there are numerous citizens of the Commonwealth of Kentucky entitled to the benefit of the provisions of said bill : Therefore

Resolved by the General Assembly of the Commonwealth of Kentucky :

That our Senators and Representatives in Congress are hereby respectfully requested, and so far as we are authorized to do so, instructed to vote for and, if possible, secure the passage of said bill during the present session.

Approved February 27, 1856.

No 10.

RESOLUTION extending the present session of the General Assembly to the 10th of March, 1856.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That the present session of the General Assembly be continued until the 10th day of March, 1856.

Approved February 27, 1856.

No. 11.

PREAMBLE AND RESOLUTION in relation to the removal of the remains of Gov. James Clark to the Frankfort Cemetery.

WHEREAS, The preservation in honor of the memory of their illustrious dead is a sacred duty of Republics imposed alike by a just pride and sound policy ; and whereas, Kentucky has failed to distinguish by a public burial the remains of Governor James Clark, one of her noblest citizens, and once her Chief Magistrate, eminent as a Statesman and Jurist: Therefore

Resolved by the General Assembly of the Commonwealth of Kentucky :

That a sum not exceeding five hundred dollars be, and the same is hereby apportioned out of any money in the Treasury unappropriated for the purpose of removing the

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remains of Governor James Clark from the county of Clarke to the Frankfort Cemetery, and erecting a suitable monument over his remains, and that the Governor be, and he is hereby authorized and requested to carry out the provisions of this resolution.

Approved February 27, 1856.

No. 12.

RESOLUTION in relation to the Hermitage.

WHEREAS, it is represented to this General Assembly that the Legislature of the State of Tennessee has by law directed the Governor of that State to purchase the Hermitage, and tender the same to the General Government, on conditions that a branch of the Military Institute at West Point be located there: Therefore

Resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators in Congress be instructed, and our Representatives requested, to use their exertions and influence to induce the General Government to accept the same, and locate an institution there as indicated.

That the Governor of this State be requested to forward a copy of this preamble and resolution to our Senators and Representatives in Congress.

Approved March 4, 1856.

No. 13.

PREAMBLE AND RESOLUTIONS in relation to the Missouri Compromise, Kansas-Nebraska Act, &c.

WHEREAS, The passage of the Kansas-Nebraska act by Congress has been followed by increased irritation in the public mind upon the subject of slavery, which irritation it is the duty of patriots to allay, but the object of demagogues to foster and continue: and whereas, it is right and proper to express the views of the people of Kentucky on other important topics now agitating the public mind, and we but echo their voice, as spoken at the late election, when we announce their unqualified approbation of the principles embodied in the Philadelphia platform of the American party: Therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That we look to the union of these States as the best, if not the only, security for our peace and happiness, and as the main pillar in the ~~erecting~~ of our liberty. That we cherish a cordial, habitual, immovable attachment

to it, and that we will unite in opposition to all attempts to weaken and subvert it, and to every principle or policy that can endanger it.

2. *Resolved*, That the systematic agitation of the slavery question has brought our institutions into peril, and we hold it to be the duty of every American patriot to unite for the purpose of suppressing this agitation, and thereby giving peace to the country and perpetuity to the Union. And we solemnly believe it to be the best guarantee of common justice and future peace, to abide by and maintain the existing laws upon the subject of slavery, as a final and conclusive settlement of that subject, in spirit and in substance.

3. *Resolved*, That Congress has no right to exclude any State from admission into the Union, because its constitution may, or may not, recognize slavery as a part of its social system.

4. *Resolved*, That the public domain is the common property of the people of all these States, and is held by the general government in trust for their common good, and that any legislation invidiously restricting, or in any manner interfering with the equal enjoyment thereof by the citizens of the different States, would be inconsistent with the spirit and true intent of the trust, of questionable constitutionality, and dangerous to the harmony of the Union.

5. *Resolved*, That to perpetuate the countless blessings of this Union, we are deeply impressed with the necessity of the cultivation and development of American nationality and of American feeling; that we are utterly opposed to all legislation by the general government for the territories which shall give the right of suffrage, the right to hold office, or any portion of the public domain, to any persons who are not citizens of these United States; and that so much of the Kansas-Nebraska act as confers suffrage and the right to hold office on aliens, is a gross departure from all true American principles, places in foreign and unfit hands the legislation of the territories, and ought never to have been incorporated in the act.

6. *Resolved*, That notwithstanding the obnoxious alien feature of the Kansas-Nebraska act, that we are opposed to its repeal, because it has settled the policy of the government in reference to slavery in the territories, and we believe the interest and safety of the Union require that it should not be disturbed.

7. *Resolved*, That the fugitive slave law ought to be fully maintained and firmly enforced by every public functionary, and that any material change of that law, calculated to impair the guarantees of slave property, would greatly endanger the safety of the Union.

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which the committee have had access, the State of Kentucky has always claimed the Island known as Wolf Island to be within its jurisdiction. It lies opposite to, and is a part of Hickman county. The inhabitants residing thereon have, for more than thirty years, exercised all the rights and privileges of citizens of this Commonwealth, and have been subject to the same burthens. The member who represented Hickman county at the session of 1851-2 resided on Wolf Island. On the 29th of January, 1836, the General Assembly passed an act to protect the actual and *bona fide* settlers on islands in the Mississippi river, "within the jurisdiction of this Commonwealth." On the 15th of February, 1837, an act was passed appointing the Treasurers of the Board of Internal Improvement residing in the counties of Hickman and M'Cracken commissioners, "with full powers to grant, sell, and dispose of all the islands in the Mississippi river which belong to this State, which are generally known as islands Nos. 1, 2, 3, 4, 5, (or Wolf Island,) and 8, and also Cash Island, in the Ohio river."

The committee have been informed that the lands embracing those islands were accordingly sold, and the purchasers, or those claiming under them, have ever since listed the same for taxation and paid taxes thereon—that the State of Missouri, through its officers, has never attempted to exercise any jurisdiction whatever over either Wolf Island or any other island in the Mississippi river, opposite to this State.

The country on the North side of the Mississippi river, opposite to those islands, and forming a part of the State of Missouri, was not embraced in the original boundaries of the United States, as agreed upon in the definitive treaty of peace between the United States and Great Britain, concluded at Paris on the 3d of September, 1783, but composed a part of Louisiana, which was purchased by the United States from France, in 1803. By referring to the treaty of 1783, and the act of Congress authorizing the people of the Territory of Missouri to form a State Government, the middle of the river Mississippi is recognized as the boundary line. When (says Chief Justice Marshall in *Handley's lessee vs. Anthony*, 5 Wheaton, 374) a great river is the boundary between two nations or States, if the original property is in neither, and there be no convention respecting it, each holds to the middle of the stream.

The Commissioner of the General Land Office assumes that the quantity of water on the East side is much greater than that on the West side of Wolf Island, and consequently it is within the limits of the State of Missouri. The committee have no means of testing the accuracy of this assumption. If any evidence of the kind

has been transmitted to the General Land Office, it was taken *ex parte*. They have been informed that many years since the navigators passed on the West or Missouri side of the island. If that be so, the committee suppose that the title of this State would not be lost by a change of the channel in the river.

The committee deem it of vital importance to this State that no sale of the land embracing Wolf Island, under the authority of the United States, be made, until the question of boundary between Missouri and Kentucky is settled. They submit for the consideration of the House the following resolutions:

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Senators and Representatives in Congress from this State be requested to procure the passage of an act of Congress relinquishing all claim the United States may have to the island in the Mississippi river opposite to the county of Hickman, in the State of Kentucky, known as Wolf Island.

2. If the passage of such an act cannot be obtained, to apply to the proper officer at Washington to suspend the contemplated sale of Wolf Island, in May next, until the question of boundary between this State and Missouri is definitively settled, in order to ascertain which of said States has the right of jurisdiction over said island.

3. That the Governor be requested to transmit to each of the Senators and Representatives in Congress from this State a copy of the foregoing report and resolutions.

Be it further resolved, That for the purpose of having a definitive settlement of the boundary between this State and the State of Missouri, the Governor be requested to take the necessary steps to effect that object, either by a reference to disinterested and discreet persons, not exceeding three in number, neither of whom to be citizens of a State that borders on the river Mississippi, or by a suit in equity in the proper tribunal. And to defray the expenses incident to such proceeding, the Governor is authorized to receive from the Treasury the necessary sums, not exceeding, however, in the aggregate, fifteen hundred dollars.

1856.

Mr. CONKLIN, from the committee on Federal Relations, made the following report, which was concurred in, viz:

The committee on Federal Relations, to which was referred the report and resolutions from the House of Representatives relative to the alleged claim of the United States to Wolf Island, concur in the report and resolutions,

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and would respectfully submit the following as a supplement to the report:

They find from the response of Andrew McKinley, Register of the Land Office of Kentucky, to a resolution of the Senate adopted 14th inst., that Virginia, as early as the year 1782, prior to the definitive treaty with Great Britain, claimed Wolf Island as part of her soil. That on the 25th February, 1782, Jacob Myers and William Shannon, as tenants in common, entered 5,000 acres of land on Wolf Island, upon Virginia Treasury Warrants—the Register's response, marked (A), is filed herewith.

The committee is informed that some thirty odd years ago one Joseph Edrington settled on Wolf Island upon said entry, claiming under Jacob Myers.

They are also informed, that at the time of the early settlement of the country the navigation and main body of the waters of the Mississippi river at Wolf Island was on the West or Missouri side, leaving the island within the boundary of Kentucky. If that be true, (and the settlement and continued occupancy of the island by persons who have exercised all the rights and privileges under, and been governed by, the laws of Kentucky, is persuasive argument of the fact,) the committee would say that no freak of the Mississippi river, in changing the volume of its waters from one to the other side of the island, could have the effect of making those persons living upon it residents of the State of Kentucky at one time and of Missouri at another.

—

(A)

LAND OFFICE OF KENTUCKY, }
February 19, 1856 }

HON. J. G. HARDY, Speaker of the Senate:

I find the following entry of record in this office, and as it relates to the claim of Virginia to Wolf Island prior to the treaty of 1783, I think it my duty, in compliance with a resolution of the Senate of the 14th inst., to transmit a copy to you, to be laid before the Senate.

"FEBRUARY 25, 1782.—Jacob Myers and William Shannon, as tenants in common, enter 5,000 acres of land upon five treasury warrants; 3,000 acres of said warrants issued in the said Myers' name, Nos. 7,070, 7,100, 7,099, the balance as assignee of Clough Overton, and Nos. 8,032, 8,033, beginning at the lower end of the arable land, in the big island nearly in the middle of the Mississippi river, opposite the Iron Banks, computed to be about eighteen miles below the mouth of the Ohio, thence to extend up both sides of the island so as to include all the ground on the same fit for cultivation."

This entry has not been surveyed or carried into grant,
nor has it been withdrawn.

1856.

ANDREW McKINLEY, R. L. O.

Approved March 10, 1856.

No. 18.

RESOLUTION authorizing the sale of old arms, &c., in the Arsenal.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor shall direct the Quarter-Master General to sell and dispose of such arms and military equipments in the State Arsenal as he shall think entirely useless to the State, and cannot be repaired without a greater cost than they are worth; and the sum realized by such sale shall be paid into the Treasury.

Approved March 10, 1856.

No. 19.

RESOLUTION in relation to printing report of the State Geologist.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be authorized to print five thousand copies of the report of the State Geologist for the years 1854 and 1855, and to procure the engraving and printing a suitable number of the maps, sections and illustrations accompanying said report, by competent artists, and that the Auditor be directed to draw his warrant on the Treasurer for the necessary amount to pay the expense of said engraving and printing of said maps, sections and illustrations, out of any money in the Treasury not otherwise appropriated.

Resolved, That said report, when printed, be distributed as follows: Thirty-one copies to the Lieutenant Governor; thirty-one copies to each Senator and Representative of the present General Assembly; one copy to each of the officers of the present General Assembly; two copies to each of the States and Territories of the United States; twenty copies to the Congressional Library; fifty copies to the Smithsonian Institution; two copies to each county of this State—one to be deposited in the Circuit Court Clerk's office, and one in the County Court Clerk's office; fifty copies to remain in the State Library; one hundred copies for the use of the State Geologist; and the remainder for general distribution by the Governor.

Approved March 10, 1856.

RESOLUTIONS.

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No. 20.

RESOLUTIONS in relation to appropriating a room in the Capitol to the use of the State Geologist.

Resolved, That the State Geologist and President of the Board of Internal Improvement be permitted to occupy the south-west room of the basement story of the Capitol for all the necessary purposes of their respective offices, and that the Governor cause the geological specimens to be deposited in said room.

Resolved, That the Governor may at his discretion cause any of the books now in the said room to be removed, that belong to the State Library.

Approved March 10, 1856.

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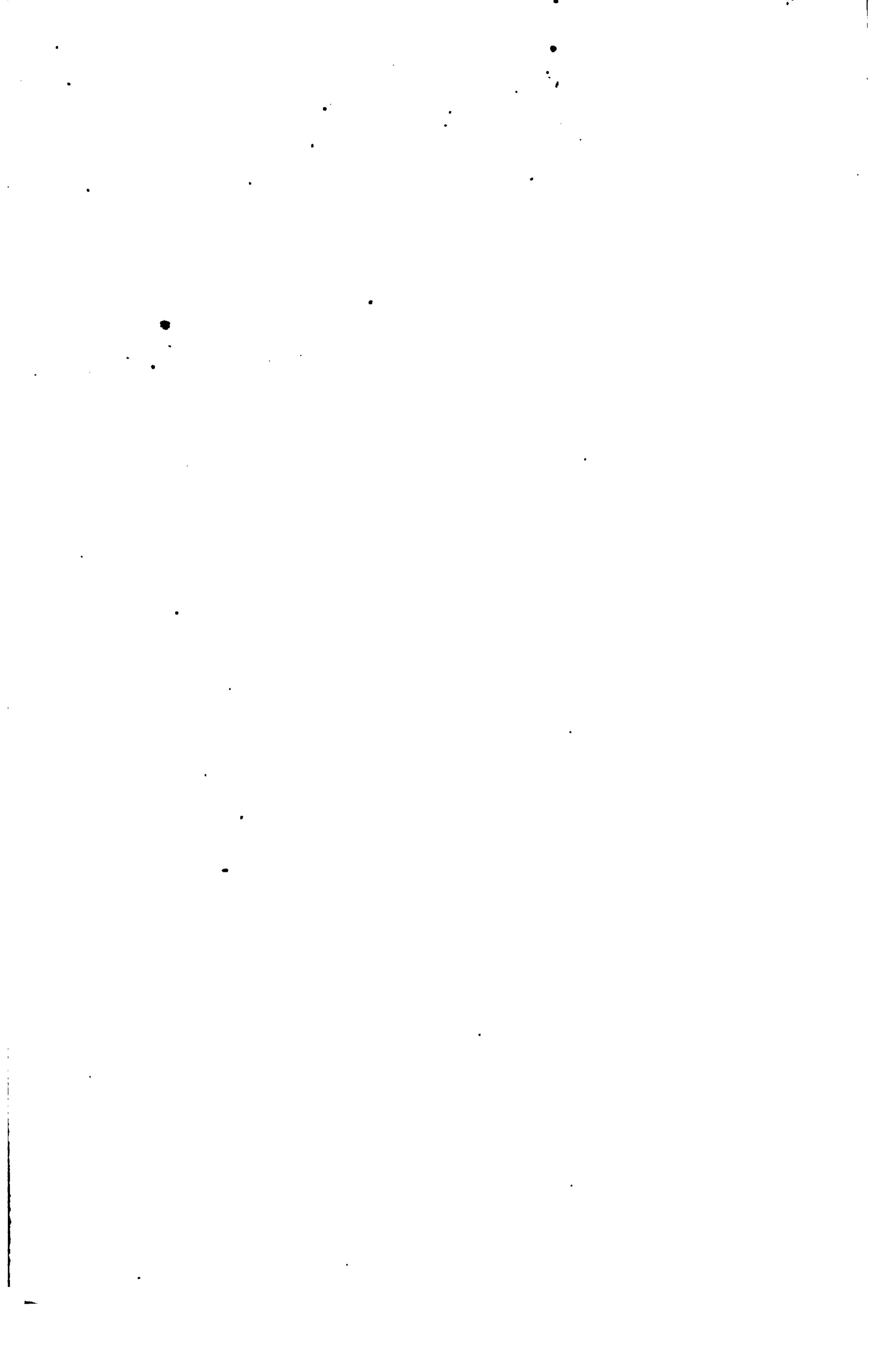
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LOCAL AND PRIVATE ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE SESSION WHICH WAS BEGUN AND HELD IN
THE CITY OF FRANKFORT, ON MONDAY, DECEMBER
31, 1855, AND ENDED MONDAY, MARCH 10, 1856.

CHARLES S. MOREHEAD, GOVERNOR; JAMES G. HARDY, LIEUTENANT GOVERNOR AND SPEAKER OF THE SENATE; JOHN B. HUSTON, SPEAKER OF THE HOUSE OF REPRESENTATIVES; MASON BROWN, SECRETARY OF STATE.

CHAPTER 1.

AN ACT to incorporate Noah's Dove Lodge, No. 20, Independent Order of Odd Fellows, of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That George W. Ford, Azariah P. Stewart, William D. Hall, —— Lape, Thomas W. Gideon, and their associates, be and they are hereby created a body corporate, by the name and style of Noah's Dove Lodge, No. 20, of the Independent Order of Odd Fellows—and they and their associates and successors shall so continue and have perpetual succession—and by that name are made capable, in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in this

1856.

Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure, provided they be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act, approved February 16, 1838, nor in contravention of the constitution and laws of the United States, or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds. The right to alter, or amend, or repeal this act is hereby reserved to the General Assembly. This act to take effect from and after its passage.

JOHN B. HUSTON,

Speaker of the House of Representatives.

JAMES G. HARDY,

Speaker of the Senate.

Approved January 9, 1856.

C. S. MOREHEAD.

By the Governor:

MASON BROWN, *Secretary of State.*Corporators
names.The name and
style, and corpo-
rate powers.

CHAPTER 3.

AN ACT to incorporate the Hopkins Mastodon Coal and Iron Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That David R. Burbank, Richard Dunville, Alfred Townes, Hugh Kirkwood, Joel Lambert, George Atkinson, and their associates, successors, and assigns, be and they are hereby created a body politic and corporate, by the name and style of the Hopkins Mastodon Coal and Iron Mining and Manufacturing Company, and by that name shall have perpetual succession; may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; have a common seal, and alter the same at pleasure; and also ordain, establish, and put in execution any and all by-laws, rules and regulations which they may deem proper, from time to time, for the management and government of the concerns of said company, not inconsistent with this act, or with the constitution and laws of this State, or of the United States: *Provided, always,* That nothing contained in this

act shall be so construed as to give or confer upon said company any banking privileges.

§ 2. That said company shall have power to appoint any one or more of its members, or other person or persons, to manage, control, and direct the business of said company, according to the by-laws, rules, and regulations of said company.

§ 3. That the business of said company shall be the mining of coal and iron ores, manufacturing iron and lumber, and making salt, and for transacting all the usual and necessary business of companies in mining, manufacturing, transporting, and selling of coal, ores, salt, and other products; and for that purpose they may purchase, receive, rent, hold, enjoy, and convey real estate, mineral lands, mining privileges, and rights of way, and erect suitable buildings, railroads, depots, and fixtures, and all such real and personal property as they may deem necessary for the well-being and advantage of said company, and the same or any part thereof to use, occupy, sell, lease, let, or otherwise dispose of, as the company may, from time to time, see proper.

§ 4. That the capital stock of said company shall not exceed five millions of dollars, which shall be subscribed for, divided into shares, and paid for in such manner as said company may prescribe by their by-laws.

§ 5. Certificates of stock shall be issued as the by-laws may direct, and the stock shall be regarded as personal estate, and shall be transferred on the books of said company in person or by attorney: but the company shall have a lien on the stock of any and all stockholders for any debt he may owe to said corporation.

§ 6. That said company shall cause a book to be opened and kept, subject at all times to the inspection of any member of said company, which shall contain the names of all members, and the estimated shares of stock which each member may own; and each member shall share the profits and be liable for the losses of said company to the extent of, and in proportion to, the amount of his capital stock owned in said company.

§ 7. That said company may receive coal and mineral lands and mining privileges as capital stock in said company: *Provided*, That no coal or mineral lands, or mining privileges, shall be received as stock at a higher valuation than that fixed by appraisers to be appointed by the company. The appraisers, to value coal and mineral lands and mining privileges, shall be appointed by a by-law of the company, and the mode and manner of the proceedings of said appraisers shall be specified and set forth in the by-law appointing them; and before any certificate of stock shall issue for any coal or mineral lands, or mining privileges, a conveyance of said coal or

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Who to manage business.

Objects of the corporation.

Capital stock.

Certificates of stock to be issued.

Member's names and number of shares, to be kept open to inspection.

May receive coal and mineral lands as capital stock.

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May borrow
money.

§ 8. That it shall be lawful for said corporation, from time to time, and at all times, to borrow, or obtain on loan or loans, such sum or sums of money, and on such terms, and at such rate or rates of interest as they may deem expedient, for the use of said company, and pledge and mortgage all or any part of the estate, improvements, or privileges, effects, and assets, whatsoever, of said company for the re-payment of said sum or sums of money so borrowed, at such time or times as may be agreed upon; to issue bonds with or without coupons, and convertible, in whole or any part thereof, into stock of said company, at any time within five years thereafter; and the capital stock of said company shall be increased accordingly. And the said company shall have the power to take stock in the "Henderson and Nashville Railroad Company," or any other railroad company whose road passes through its lands, and issue its bonds to said railroad company in payment of the same, upon such rates and terms as may be agreed upon. And the said corporation shall have the power to loan its bonds to the Henderson and Nashville Railroad Company, or to any other railroad company whose road passes through the lands of the company, upon such terms as may be agreed upon between the parties. All the bonds issued by this company shall be issued in such manner as may be prescribed in the by-laws of the company.

May obtain
right of way.

§ 9. That if the said company (in mining or transporting coal to market—in mining or manufacturing iron—in making salt, or in transporting the same or any products of their mines, mills, or manufactories to market—that is, to the Ohio river, Green river, Pond river, or to such other place or places on railroads as the interests of the company may require,) shall desire to obtain a right of way, by railroad, over or under the lands of other persons, as a landing or a depot, condemned for their use, upon the application of said company by its officers or agents to the County Court of the county in which the right of way, landing, or depot, or any part thereof be situate, the County Court shall make an order, appointing viewers, and proceed in all respects as in the cases of applications to establish public highways under the existing laws; and upon receiving the report of the viewers shall order a writ of *ad quod damnum*, and cause to be condemned, as lands are condemned for public highways, such necessary road or railroads, rights of way, and a landing for a depot or depots, not exceeding two acres in any one place: *Provided*, That in the application the said company shall specify the widths, and as near as may be, describe the

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road, or railroad, or land required for the same, as proposed to be viewed and condemned for a depot or for a landing; that the viewers so appointed by the court shall report to the said court that they believe the location of the road, plank road, or railroad, as proposed, and its use and enjoyment of the land proposed to be viewed and condemned for a depot, or for a landing, would, according to their best judgment and belief, be of advantage to and facilitate the business of and promote the general interest of the said company, to have the proposed rights of way for a railroad, or other roads, or depot or landing for a depot, condemned and established, for the use of said company or the public interest. That upon the filing of such report, together with their statement under oath that they have viewed and marked out the road or right of way proposed, or have staked off the same, and likewise as to the proposed depot or landing, for a depot, if it is asked for by the company, the County Court, in the county in which the premises sought to be condemned may lie, shall order and cause to be issued to the Sheriff of the said county, or his deputy, or to the Jailer or Coroner, if the Sheriff or his deputy are interested, a writ of *ad quod damnum*, as in case of application to condemn land for a public highway or road; and it shall be the duty of the Sheriff, or his deputy, Jailer or Coroner, as the case may be, to proceed to summon and impannel a jury of freeholders of the county, not related to the owners of the land sought to be condemned, nor to any stockholders in the said company. And he shall, together with the jury so impaneled and sworn, proceed as the law directs, and the jury shall view the lands of the proprietors and tenants named in the writ, and ascertain what will be a just compensation to each for the land proposed to be taken, as in cases of holding inquests to establish or condemn land for a public road or highway; and the jury shall proceed, and the Sheriff also, or deputy, Jailer, or Coroner, as the law directs in such cases, and make due return of their inquest, together with the writ; and upon the return of the writ and inquest of the jury, the said court shall, upon the payment of the damages assessed by the jury to the owner or owners of the lands, or upon the payment thereof into court by the said company or their agents, make an order condemning the proposed land, or right of way for a railroad, or other road, of the width proposed, not exceeding one hundred feet, and establish the said road as railroad or other road; and also make an order condemning and establishing a depot, or landing for a depot, as aforesaid, in like manner for the use, enjoyment, and occupancy of the said company, or the public good; and all costs and expenses incurred under these proceedings, as well as all other costs and charges incurred by the

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several provisions of this act, shall be paid by said company: *Provided, also,* That the court shall, by its order, make the necessary requisition on said company to make and keep in repair at suitable points on said road or railroad, suitable grades and causeways, to enable the owner or owners of said lands to pass over said road or railroad, upon said premises.

Repealing clause.

§ 10. The Legislature reserves the right to alter, amend, or repeal this charter, should it become necessary, after the year one thousand nine hundred and fifty-four; and no alteration or repeal shall in anywise operate to the prejudice of the creditors or stockholders.

§ 11. This act shall take effect from the time of its passage.

Approved January 11, 1856.

CHAPTER 4.

AN ACT to amend the charter of the Richmond and Irvine Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Richmond and Irvine Turnpike Road Company shall have the right and power, under the privileges of their charter, to construct a branch road to Oldham's Ferry, at the mouth of Drowning Creek.

Approved January 11, 1856.

CHAPTER 5.

AN ACT to confirm the establishment of the Louisville and Newburgh road, in Jefferson county, and to change the name thereof.

WHEREAS, it is represented to the General Assembly of the Commonwealth of Kentucky, that Mortimer D. Robards, and others, entered into articles of association for the construction of a Turnpike road from the city of Louisville to Newburgh, in Jefferson county—under the act of the General Assembly of this Commonwealth, approved March 7, 1850—under the style of the President and Managers of the Louisville and Newburgh road; and that said President and Managers completed five miles of said road, leading from said city, and are proceeding to complete the remainder; and that the County Court of Jefferson county, upon a report, established said road, and authorized said President and Managers to establish a gate on said five miles, and collect toll thereon; and that some informality may exist in what has been done: Wherefore, to remedy which,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

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§ 1. That the proceedings establishing said road, and organizing said association, be and the same are hereby confirmed and legalized; and that the President and Managers have all the rights and privileges they would have had if the requisitions of said act, under which they were organized, had been complied with in all particulars.

§ 2. That the present President and Managers shall have all the rights to proceed, in all particulars under their organization, as though their proceedings conformed in all respects to the law. That said President and Managers may change the name of their road from the Louisville and Newburgh road to the Bear Grass road.

Approved January 11, 1856.

CHAPTER 6.

AN ACT to incorporate the Speedwell Turnpike Road Company, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created for the purpose of making a dirt Turnpike from Speedwell, in the county of Madison, to the town of Richmond, under the name and style of the Speedwell Turnpike Road Company, whose capital stock shall be five thousand dollars, to be divided into shares of fifty dollars each.

Name and style.

§ 2. Books for the subscription of stock may be opened at any time after the passage of this act, at such places as the Commissioners may direct, under the direction of Jonathan I. Estill, David Morton, Thos. Collins, Milton Collins, Joshua Parks, Dr. C. C. Smith, Henry Dellingham, Elijah Yates, and Wm. Oldham, or any two of them, and shall continue open until the whole stock is taken, and when fifty shares of said stock is taken, the Commissioners shall call a meeting of the stockholders, for the purpose of organizing the company and electing a board of five Managers, (one of whom shall be President,) and a Treasurer.

Books to be opened.

§ 3. The said company shall have and possess all the rights, powers, privileges, and immunities conferred by law on the Richmond and Irvine Turnpike Road Company; except they shall only be allowed to collect one half the tolls allowed by law until their road, or such part of it as may be necessary, is metalled.

Corporation names.

§ 4. No subscriber of two or more shares of the capital stock of said company, residing within one mile thereof, shall be compelled, by himself or servants, to work on any other road as long as they continue to reside within

Corporate powers.

Subscribers exempt from working on roads.

1856.

that distance of said road, but may be required by the Board of Managers to work on said road.

Approved January 11, 1856.

CHAPTER 7.

AN ACT to establish an additional voting place in Hayes' District, in Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That there is hereby established, in the District known as Hayes' District, in the county of Hickman, an additional voting place, at Hayden's School House, and the County Court of said county shall hereafter appoint officers to hold elections at said place of voting, under the same rules and regulations as are now prescribed by the general laws.

Approved January 14, 1856.

CHAPTER 8.

AN ACT to charter the Muldraugh's Hill and Green River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed, under the name and style of the Muldraugh's Hill and Green River Turnpike Road Company, for the purpose of constructing an artificial road from Sullivan's, in Taylor county, to intersect the Louisville, Bardstown, and Glasgow Turnpike Road at or near Green's old place, in Hart county.

§ 2. The capital stock of said Company shall be eighty thousand dollars, to be divided into shares of fifty dollars each; and if it shall be ascertained that the amount of capital stock is not sufficient to accomplish the object of this act, then the President and Directors of said Company may increase it to such amount as they may deem necessary, and open subscription thereon in such way as they deem necessary.

§ 3. Books for the subscription of stock in said Company shall be opened on the 15th day of May next, or as soon thereafter as may be convenient, at the town of Saloma, under the direction of James Sanders, Yelverton Cowherd, E. A. Parsons, B. L. Owens, James Durrett, and John B. Anderson; and at the house of Daniel M. Williams, under the direction of Daniel M. Williams, Floyd Thurman, Josiah Mitchell, P. M. Smith, Jas. C. Edwards, and Richard Steerman; and at the town of Summerville,

Company cre-
ated.

Location of
road.

Capital stock.

When books
shall be opened.

Where and un-
der whose di-
rection books
may be opened.

under the direction of William M. Edwards, James F. Carter, William Barnett, A. C. Cox, Zeno Mays, Fielding Chelf, Thos. Chadowin, and Fielding Vaughn; and at the town of Monroe, C. C. Walton, Thos. Bunnell, S. W. Bunnell, William Gooch, John Brown, and David Turner; and at William W. Curle's house, under the direction of Wm. W. Curle, Littleberry Carter, and Philip Maxey, or some two or more at each place, who are appointed Commissioners; the said Commissioners shall procure a book or books, and the subscribers to the stock of said company shall enter into the following obligation in said book or books, viz: "We whose names are hereto subscribed, severally promise to pay the President, Directors, and Company of the Muldraugh's Hill and Green River Turnpike Road Company, the sum of fifty dollars for each and every share of stock set opposite to our several names, and agreeably to an act of the General Assembly of Kentucky incorporating said company. Witness our hands this — day of —, 18—." And in case any persons wish to pay their stock in work on said road, they shall append to their names the following words: "To be paid in work on said road, at such time, and in such manner, and at such valuation, as may be prescribed by the President and Directors of the Company."

§ 4. All the sections of an act, entitled, "an act to incorporate the Danville and Hustonville Turnpike Road Company," approved March 1st, 1844, beginning at the fourth section to the thirty-fifth section, inclusive, are hereby incorporated and made part of this charter, with all the powers, privileges, rights and immunities, therein contained, so far as applicable.

§ 5. The President and Directors shall have power to let out portions of said road to individuals who may agree to construct the same, and take their pay in stock, provided the President and Directors do not agree to allow for the construction of the same, more than the estimated cost of the engineers.

§ 6. That the President, Directors, and company shall be allowed to use stone or gravel, as they may elect, in the construction of said road, or any part thereof.

§ 7. Whenever the sum of ten thousand dollars of stock shall be subscribed, said company may organize, by the election of a President and six Directors, who may proceed to put under contract such part or parts of said road as they may deem proper, having due regard to the locality of stock subscribed.

§ 8. Individuals or companies shall be allowed to subscribe, as stock in said company, that they will construct one mile or more, or a fraction of a mile of said road, and may designate the beginning point; and every such subscription shall be construed—for the purpose of making

Obligation co-
quired of sub-
scribers.

A part of the
act incorpor-
ating Danville
and Hustonville
road, made part
of this charter.

Power given
to President and
Directors to let
out contracts.

When com-
pany may organize

Stock may be
paid in work.

1856.

the ten thousand dollars of stock upon the taking of which the Company shall organize—at the rate of two thousand dollars per mile, but in actual stock shall be such sum as the Engineer, with the concurrence of the President and Directors, shall estimate their cost to be.

§ 9. That all such publications as are required to be made in the Danville Tribune by the act incorporating the Danville and Hustonville Turnpike Road Company, shall be made in the "Post," at Lebanon.

§ 10. That any person living within one mile and a half of said road, and taking stock to the amount of one hundred dollars in said road, for each one hundred dollars of stock subscribed, shall have one hand exempt from working on any road in the county.

§ 11. That the Legislature reserves the right to amend this charter.

Approved January 14, 1856.

The Lebanon Post to be the medium for advertising by the company.

Hands who work on the road to be exempt from toll for neighborhood travel on the same.

Penalty for evading payment of toll.

CHAPTER 9.

AN ACT to amend an act, entitled, "an act to improve the road from Hall's Gap to Somerset."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the hands subject to work the road leading from Somerset, in Pulaski county, to Hall's Gap, in Lincoln county, be and they are hereby exempt from the payment of toll for neighborhood travel on said road, to-wit, any trip between Somerset and Hall's Gap aforesaid.

§ 2. That any person wilfully evading or refusing payment of toll justly due for travel on said road, shall be fined ten dollars for each offense, recoverable by warrant in the name of the Commonwealth, before a Justice of the Peace of any county where served, triable forthwith on service of the warrant, and execution to be awarded forthwith upon judgment being rendered, and may be tried and adjudged at any time, as well in term time as in vacation, and the fines to be collected by the Commissioners and applied to the improvement of the road.

Approved January 14, 1856.

CHAPTER 10.

AN ACT to change the route of the Wilderness Turnpike Road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the route of the Wilderness Turnpike road be and the same is hereby changed, for the distance of one fourth

mile, commencing at a point three miles north-west of Mt. Vernon, in Rockcastle county, on the land now owned by James Lewis, and running thence, nearly straight, westwardly till it strikes the line of the present road: *Provided*, that said change be made entirely at the expense of said James Lewis.

§ 2. That said route of said road so changed shall be subject to all existing laws and regulations in relation to the Wilderness Turnpike Road Company.

1856.

The nature and extent of the change.

Approved January 14, 1856.

CHAPTER 11.

AN ACT for the benefit of W. B. A. Baker, late Sheriff of Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of forty-seven dollars be and the same is hereby appropriated to reimburse W. B. A. Baker, late Sheriff of Mason county, for his outlay in maintaining a jury of said county, by order of the Judge of the Mason Circuit Court, in the case of the Commonwealth vs. Wm. Brookover.

§ 2. That the Auditor be and he is hereby empowered and directed to draw his warrant upon the Treasurer, in favor of said Baker, for said sum of money, payable out of any moneys not otherwise appropriated.

Approved January 14, 1856.

CHAPTER 12.

AN ACT to incorporate the North Kentucky Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present stockholders of the North Kentucky Agricultural Society, and such as may hereafter become stockholders under the provisions of this act, are hereby constituted a body politic and corporate, under the name and style of the "North Kentucky Agricultural Society," and by that name shall have perpetual succession, and are hereby made able and capable to receive and hold by gift, grant, purchase, or devise, all such lands, tenements, money, or other property, not to exceed twenty-five thousand dollars in value, as the Board of Directors may think proper to purchase, or such as may be given or devised to said society, and to sell, exchange and convey the same at pleasure; may sue and be sued, plead and be impleaded, answer and be answered in any Court of

Corporate name and powers etc.

1856.

Capital stock.

Capital stock
may be increased.Stock transfer-
able on the book

Officers

Time of an-
ual meetings.How elections
are to be con-
ducted.Rules whilst
the society is in
session.

law or equity in this Commonwealth and do and perform all such other acts and things, either in law or equity, as bodies politic and corporate may rightfully and lawfully do and perform.

§ 2. That the capital stock of this society shall be ten thousand dollars, in shares of twenty-five dollars each; and the society aforesaid is authorized to raise by subscription the balance of said capital stock not now taken, at such times as the Board of Directors may direct; and if at any time, the Board of Directors shall think it advisable to enlarge the capital stock to an amount not exceeding twenty-five thousand dollars, they are hereby authorized to do so, in such manner as the society at a regular meeting shall direct, a majority of those present concurring. All stockholders must have paid in the amount of their subscription before they will be entitled to any of the privileges of members; they shall be liable for the acts and contracts of the Board of Directors to the full amount of their stock in the company. The stock shall, to all intents and purposes, be held to be personal property, and shall be transferable on the books of the company, in such manner as the Board of Directors shall direct. Whenever the full amount of five thousand four hundred dollars shall be regularly subscribed and paid in, this society shall be considered organized for business.

§ 3. That the officers of this society shall consist of a President, Vice President, Treasurer, Recording Secretary, Corresponding Secretary, and twelve Managers, all of whom shall be residents of the State of Kentucky, who together shall constitute a Board of Directors for the general management of the affairs of the society, a majority of whom may at all times form a quorum to transact business. There shall be an annual meeting of the stockholders of the society on the first Tuesday in November in each year, at the fair-grounds of the society, at which time the officers of the society shall be elected for the ensuing year, and they shall hold their offices until their successors are elected. At all elections for officers the vote shall be taken by ballot, and each stockholder shall be entitled to one vote for each share of stock held by them, to the number of five shares, and for each additional five shares, up to twenty shares, one vote, and for each additional twenty shares, one vote, which may be given in person, or by proxy in writing. The Board of Directors shall have power to fill vacancies occurring in the board.

§ 4. That at all the meetings of the society or Board of Directors, the President shall exercise all the usual duties of that office; all motions shall be addressed to him, and upon every vote he shall declare the result, and, in case

of a tie, give the casting vote. He, or any three members of the board, shall have power to call special meetings of the society or Board of Directors. In the absence of the President, the Vice President shall take the chair, and if both be absent, the members present shall elect a President pro tem.

§ 5. That it shall be the duty of the Treasurer to receive all funds due the society, pay orders when duly authenticated by the signature of the President, or three members of the Board of Directors, and countersigned by the Recording Secretary, keep in a proper form, in a book provided for that purpose, a true account of all moneys received and paid out, and make annually, at the regular meeting of the stockholders, or oftener if required to do so, an exhibit of the financial condition of the society. It shall be his duty to pay over to his successor all funds on hand, and deliver over the books, property, notes, and accounts of the society to such successor. He shall give bond with good security, to be approved of by the Board of Directors, in the sum of five thousand dollars, for the faithful discharge of his duties as Treasurer; he shall receive an annual compensation, the amount of which shall be determined by the Board of Directors.

§ 6. That it shall be the duty of the Recording Secretary to keep safely the books and papers of the society, attend all its meetings and the meetings of the Board of Directors, and keep a fair record of the proceedings; he shall receive an annual compensation, the amount of which shall be determined by the Board of Directors. It shall be the duty of the Corresponding Secretary to conduct the correspondence of the society, under the direction of the Board of Directors.

§ 7. That the Board of Directors shall have power to fix the amount to be paid for entrance at the gates of the fair-grounds, and can pass all such by-laws, rules, and regulations, in reference to the affairs of the society, as they may deem necessary, not conflicting with the laws, and constitution of this State or the United States.

§ 8. That any person, who shall, during the days on which their annual or other fairs are held, be detected in making any attempt to, or of entering the fair grounds of the society clandestinely, or in any other manner than at the regular gates, after first having paid the regular fee, or being privileged to do so by order of the Board of Directors, or of using any other shift or device whatever to defraud this society out of their regular gate fees, shall, upon conviction, be fined not less than ten nor more than twenty-five dollars, to be imposed by any Justice of the Peace for Boone or Kenton counties, having jurisdiction where the offense is committed.

§ 9. That during the days on which the society shall

1856.

Duties of the Treasurer.

Treasurer required to give bond.

Duties of the Recording Secretary.

Duties of the Corresponding Secretary.

Powers of the Board of Directors.

Penalties for persons evading payment of gate fees.

1856.

No person allowed to sell liquor or any kind of refreshment within one quarter of a mile of the fair-ground during the continuance of a fair.

Board of Directors empowered to remove any establishment erected within one quarter of a mile of the fair-ground in which liquor or refreshments are sold during the fair.

Treasurer's duty.

Stock taken previous to this act to be valid.

Names of the officers and their powers.

hold its annual or other fairs, no person shall without the consent of the Board of Directors of the society, erect within one quarter of a mile of the boundary of the land now occupied by the society, as fair-grounds, any stall, booth or shed, nor sell any confectioneries, cakes, ale, beer, or refreshments of any kind, or any spirituous or vinous liquors; and any person who shall violate the provisions of this section, shall be liable to a fine of not less than ten nor more than twenty dollars, to be imposed by a Justice of the Peace for Boone or Kenton counties, of the district in which the offense may be committed. All fines recovered under this and the next preceding section shall be for the benefit of said society.

§ 10. That the Board of Directors of said society shall have power, for and during the days of their annual and other fairs, to remove any booth, stall, shed, wagon, cart or other vehicle or table on or at which any confectioneries, cakes, cider, ale, porter, beer, spirituous liquors, or refreshments of any kind is sold or offered to be sold, within the distance aforesaid, without the consent of the Board of directors first had and obtained.

§ 11. That it shall be the duty of the Treasurer of this society, upon information to him that a violation of any of the provisions of this act, or any of the by-laws passed in conformity to the provisions thereof has taken place, to institute suit in the name of the society, for the recovery of the penalty for such offence, and to prosecute the same to judgment.

§ 12. That the certificates of the stock of this society, issued prior to the passage of this act, are hereby legalized and made as good in every respect, as if issued since the passage of this act.

§ 13. That the following persons shall be capable, under the provisions of this act, to hold and exercise the duties respectively, of the offices of this society until the first Tuesday in November, 1856, and until their successors are elected, to-wit: John H. Watson, President; Washington Watts, Vice President; John L. Grave, Treasurer; Ezra K. Fish, Recording Secretary; William H. Buckner, Corresponding Secretary; John Barton, John J. Swetman, Samuel K. Hays, Thomas C. Graves, Albert Price, Volney Dickerson, William A. Moxley, W. Chamblin, Cary T. Allen, Hubbard T. Buckner, John W. Leathers, and William Bishop, managers, and their acts as such shall be as legal and binding as if they had been elected by the stockholders after the passage of this act.

Approved January 14, 1856.

CHAPTER 16.

1856.

AN ACT to legalize the subscription of the Woodford County Court to the Versailles and Munday's Landing Turnpike Road.

WHEREAS, The County Court of Woodford county has by its order subscribed the sum of seven hundred and fifty dollars per mile to the Versailles and Munday's Landing Turnpike road, &c: In order, therefore, to make valid said subscription,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the subscription of stock to the said road leading from Versailles to Munday's Landing, made by order of said Court, be and the same is hereby legalized and made valid; and said Court is hereby authorized to make such orders from time to time as may be necessary to carry into effect the said subscriptions so made.

Approved January 14, 1856.

CHAPTER 17.

AN ACT for the benefit of Elizabeth Rucker.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall and may be lawful for Nimrod Harris, trustee of Elizabeth Rucker, to transport the slaves he has in his possession, as trustee aforesaid, at such time and to such place in the State of Texas as the said Elizabeth may desire; and upon his delivering them over in trust for the use and benefit of her and her children, to a trustee appointed in a proper manner by a competent court of said State of Texas, he shall be released, so far as the slaves are concerned, from any further responsibility on the bond or bonds he has executed as trustee of said Elizabeth Rucker; and he shall be allowed a reasonable sum, out of any money he may have in his hands as trustee, for the trouble and expense necessary to carry out the provisions of this act.

Approved January 14, 1856.

CHAPTER 18.

AN ACT for the benefit of Charles Linn, Sr., of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Charles Linn, Sr., of Calloway county, be and he is hereby empowered to sell a certain female slave, named Vina, at any place in this Commonwealth, without incurring the penalties of the law now in force in relation to the sale of slaves brought into this Commonwealth.

Approved January 14, 1856.

1856.

CHAPTER 19.

AN ACT to incorporate the Union Agricultural and Improvement Association of Mason and Bracken counties.

Objects and
purposes of the
Association.

WHEREAS, divers persons of the counties of Mason and Bracken have organized an association, under the name and style of the Union Agricultural and Improvement Association of Mason and Bracken counties, for the purpose of promoting improvements in all the various departments of Agriculture, Mechanics, and Horticulture, the improvement of the races of domestic animals by the introduction, under the patronage of the society, of superior specimens for breeding, the general advancement of rural economy and household manufactures, and the dissemination of useful information; and for that purpose have adopted a constitution and by-laws, and elected a President, three Vice Presidents, and fifteen Directors, to control and manage the affairs thereof: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
name and pow-
ers.

§ 1. That said association be and is hereby created a body politic and corporate, with perpetual succession, under the name and style of the Union Agricultural and Improvement Association of Mason and Bracken counties, and by that name they shall have power to contract and be contracted with, sue and be sued, defend and be defended in all courts of law and equity in the Commonwealth having jurisdiction, and shall be capable of acquiring, by purchase or otherwise, any land, not exceeding one hundred acres, necessary for the purposes of the association, and may improve and sell the same, or any part thereof, at pleasure, and may hold and dispose of such personal estate as the President and Directors of said association may deem necessary and proper, and do any other act that will contribute to advance the object of the association, and adopt and use a corporate seal, or use the private seal of the President for the time being.

The present of-
ficers to remain
in office until
April, 1856.Secretary and
Treasurer.How vacancies
may be filled.

§ 2. The President, Vice Presidents, and Directors already chosen shall continue in office until the annual meeting on the first Saturday in April, 1856, and until their successors are duly elected and qualified by the qualified voters of said association, and annually thereafter, together with a Secretary and Treasurer, who shall execute bond, with good security, for the faithful discharge of their duties. Vacancies shall be filled by the appointment of the Board until the succeeding annual election, and no longer. The Vice President who shall have received the highest number of voters shall exercise the powers of the President upon his resignation, death, absence, or refusal to act.

§ 3. The prudential, fiscal, and other concerns of the Association, together with all its estate of every kind, shall be under the control and management of the President and Directors aforesaid; and they shall have power to make such regulations and by-laws, not inconsistent with the Constitution and laws of this Commonwealth, under the supervision of the association at its annual meetings, as in their opinion may contribute to the good order and management of the association, and from time to time modify or repeal the same at their pleasure; and the constitution and the by-laws of the association now in force, not inconsistent with the laws of the Commonwealth, shall be and remain in power until repealed, altered, or amended as aforesaid.

§ 4. That said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debt or debts heretofore contracted by its authority, and shall have power to sue for and collect any subscription heretofore made, or other demands justly due them, as fully as though the same had been contracted after the passage of this act.

§ 5. This act shall take effect from its passage, and the General Assembly reserves the right to repeal, alter, or amend this charter at any time.

Approved January 14, 1856.

1856.

The affairs of the association to be under the control of the President and Directors.

May make by-laws, rules and regulations.

The association to be liable for debts due by it.

The right to repeal reserved to the Legislature.

CHAPTER 20.

AN ACT to amend the charter of the Louisville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act passed by the Legislature of Tennessee, at the session of 1855, entitled, an act to charter the Louisville and Nashville Railroad Company, and the several acts amendatory of said act, passed by the Legislatures of Kentucky and Tennessee, be and the same is re-enacted in the State of Kentucky, in the following sections and words:

“§ 1. That the Louisville and Nashville Railroad Company are hereby vested with the right to issue and to sell and deliver by the President, or any regularly constituted agent by the President, within the United States, or elsewhere, the bonds of the said company, signed by the President and countersigned by the Secretary of said company, with the seal of the corporation affixed, to an amount not exceeding three millions of dollars, bearing interest at a rate per annum not exceeding seven per

Vested with the right to sell their bonds to the amount of three millions of dollars.

1856.

cent., payable semi-annually, with coupons attached, signed by the Secretary of the company, to be made payable as said company may direct, in any city in the United States, or elsewhere, within thirty years from their respective dates. To secure the prompt payment of the interest and principal of the bonds issued by authority of this act, said company may execute a mortgage or deed of trust, appointing a trustee or trustees, and from time to time fill vacancies that may occur, for the use and to secure all the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and object of its execution: *Provided, however,* If said company shall receive the aid of the State of Tennessee to purchase iron, &c., the lien created by the act extending such aid, shall be superior and paramount to any lien created by the company on that part of the road lying within the State of Tennessee. And no part of the money hereby authorized to be raised by the issuance of its bonds, shall be used by said company in the construction of any branch road, nor for any other purpose than that of the construction and equipment of the main stem of said road, connecting the city of Louisville with the city of Nashville: *Provided, however,* That the bonds and mortgage hereby authorized shall not be enforced in Tennessee at a greater rate of interest than six per cent. per annum, unless a rate equal to seven per cent. at the time of enforcement is allowed by the law of Tennessee; but may be enforced to the full extent of the road, property, franchises, equipments, and property and profits within the State of Kentucky, at seven per cent.

“§ 2. *Be it further enacted,* That if the mortgage or deed of trust shall be foreclosed, according to its terms or by local proceeding, such foreclosure shall be for the benefit of all the holders of bonds issued and secured by its provisions. Upon such foreclosure, the President shall make a perfect list of all bonds issued and secured by it, verified by his affidavit, and placed of record and on file in the Chancery Court, in the city of Louisville, where only such proceeding is authorized to be had. Nor shall such foreclosure take place sooner than ninety days after publication in one or more newspapers printed and published in the cities of Nashville, Louisville, and New York. The person or persons, firm or firms, corporation or corporations that may become the owners or lessees for the time by reason of any sale or leasing to satisfy the demands of the bondholders, shall and are hereby vested with all the rights, privileges, franchises and immunities of the corporation.

“§ 3. *Be it further enacted,* That to create and secure a fund for the final redemption of the bonds authorized by this act, the bonds of the State of Tennessee, if delivered

to the company, and the bonds of the several counties which have or may be received in payment of capital stock subscribed by the counties, a sinking fund shall be created by said company. All dividends over six and inclusive of eight per cent. shall be set apart and passed to the credit of the sinking fund, and held sacred for the purpose aforesaid, together with any other sum which may, by order of the board, pass into the sinking fund, and any other funds the company may have from time to time on hand. Said company may establish offices, or create agencies to use and employ the same, by loaning and reloaning the same: *Provided, however,* That the profit declared on the stock of the city of Louisville and the respective counties shall only be held subject to the order of the board by consent of the general council of the city, and the respective County Courts. Said railroad shall also have the right to retire their mortgage bonds by issuing stock in said company to the holders of bonds at par at any time. The holders of bonds, at their election, may demand, and on such demand shall receive evidences of stock in lieu of bonds, at dollar for dollar, at any time within seven years after there is a through run of the cars from Louisville to a point within Nashville. The mortgage bonds issued by authority of this act, whether delivered in the United States or elsewhere, shall not be avoided in whole or in part by pleas of usury, by reason of the rate of interest, place of delivery, or a sale at less than their nominal value.

“§ 4. *Be it further enacted,* That the railroad company may guarantee the payment of the interest and principal of all or any part of the bonds of the several counties which have been or may be delivered in payment of stock, by an indorsement on each bond so guaranteed the following words: “The Louisville and Nashville Railroad Company guarantee the payment of the interest and principal of the within bond,”—to be signed by the President and countersigned by the Secretary, and the seal of the corporation affixed. Counties, towns, cities, and other corporations that have or may subscribe for stock, and pay the same in bonds, may, under the provisions of laws in their respective States, retire the bonds issued by them and delivered in payment of stock, by the transfer of the county or corporation stock made by the proper authority; or may by indorsement in these words, “convertible into stock at the election of the holder, in five years after a through run of the cars from Louisville to a point within the city of Nashville,”—to be signed by the Mayor of cities, and Clerks of County Courts. On such transfer being made, the railroad company shall cancel so much of the stock of the county, or city, or corporation, and issue the same to the holders of such transfers, or convert-

1856.

ible bonds. The bonds when surrendered shall be canceled.

“§ 5. *Be it further enacted*, That the tax payers in the county of Davidson, in the State of Tennessee, shall be entitled to stock in said company for sums paid by them to liquidate the interest on the bonds of said county paid in discharge of stock subscribed, up to the time the company shall declare dividends, and not after, (unless the County Court of said county, or the person having charge by law of such dividend, shall consent and apply said dividends to the payment of the interest on said bonds.) The separate tax receipt of the collecting officer, exhibiting the amount so paid, shall be transferable by indorsement; and the amount of one hundred dollars shall entitle the holder to one share of stock; but such stock shall not bear interest. The County Court shall from time to time appoint a fit and competent person, and enter the same of record, to whom all tax receipts and transfers shall be exhibited and surrendered; and upon their surrender, the person so appointed shall issue to the holder a printed certificate of the number of shares of stock to which the holder is entitled, and a certificate of any amount over an even share, which may also pass by indorsement, and be added to tax receipts to entitle the holder to a certificate of stock. The holders of certificates of stock shall, after one month from their date, on presentation at the office of the company in Louisville, receive a certificate of stock. It shall be the duty of the person appointed by the County Court to keep a list of all persons to whom they issued certificates, and at the end of each month transmit a copy to the Secretary of the company at Louisville. He shall also file all receipts so surrendered, and deliver them to the agent of the company, to be kept on file in the office of the company. The compensation of the person granting certificates of stock shall be fixed by the County Court, and paid by the county or person asking the certificate of stock. He shall, before entering on the discharge of his duties, take an oath faithfully to perform the duties devolved on him by such appointment.

“§ 6. *Be it further enacted*, That said railroad company may at any time and place, in the United States or elsewhere, without the formality of opening books for public subscriptions, or appointing commissioners for that purpose, receive subscriptions of stock to their company by individuals, towns, cities, counties, or other corporations, whether payable in money or other things; with such terms and time of payment, conditions annexed, and kind of payment, that may be set forth in the subscription; and when the stock so subscribed is earned or paid for, certificates thereof shall be issued to those entitled to it. Said company may also contract to pay in the capital

stock of the company, for anything necessary to carry on the work of construction, or to pay any debt of the company; and may sell, convey, and deliver any property received for stock, or mortgage or pledge the same. Said company may purchase and hold or hire slaves for use in the construction or management of the road, but not for traffic. When no longer wanted for the purposes aforesaid, they may be sold or hired in the States of Tennessee or Kentucky.

“§ 7. *Be it further enacted*, That it shall be the duty of the President and each Director of the said company, and each engineer or other agent engaged in the service of the company, each for himself, swear that he is not and will not, during his continuance in office, become interested, directly or indirectly, in any contract, for the construction of said road, which has or may be made by the company with any other person. The engineers shall also swear that they will well and truly, to the best of their skill and judgment, make a fair and impartial estimate of work done and material furnished according to contract, and otherwise faithfully perform the duties of engineer so long as they continue in the service of the company. A certificate of such oath, taken before an officer authorized by law to administer oaths, shall be recorded on the minute book of the company.

“§ 8. *Be it further enacted*, That if, on judicial proceeding and judgment of any court of competent jurisdiction, it shall be adjudged that any engineer or any of the officers or agents aforesaid shall at any time after taking such oath, have been interested with any contractor in any contract for the construction of said road or any part thereof, or for equipping said road, no recovery in law shall be had on such contract; and said interested engineer or officer shall be deemed guilty of the crime of perjury.

“§ 9. *Be it further enacted*, That full and complete powers are hereby given to the Louisville and Nashville Railroad Company, to the Edgfield and Kentucky Railroad Company, and to any and all railroad companies now chartered or which may be hereafter chartered by the State of Tennessee, to unite in the purchase of the necessary grounds, right of way, or other privileges necessary for, and to unite upon such terms as may be agreed on in the construction of a common bridge across the Cumberland river, and in the erection of any buildings and fixtures useful for the convenient transfer of passengers and freight from one road to another.

“§ 10. *Be it further enacted*, That within the space of two years from and after the passage of this act, the said Louisville and Nashville Railroad shall have completed, equipped, and in operation, not less than thirty miles of its road next to the city of Nashville, including the bridge

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across Cumberland river, unless prevented or obstructed by unavoidable occurrence or hindrance: *Provided*, That none of the funds or resources belonging to said road, raised or to be raised for the building of the road proper, shall be applied to the building of said bridge, but that said bridge is to be built exclusively from the use of means appropriated or to be appropriated to that object; and that the thirty miles on this section mentioned is to include said bridge only on the condition of adequate means being furnished for that object.

“§ 11. *Be it further enacted*, That the Edgfield and Kentucky Railroad and the Louisville and Nashville Railroad are entitled to the sum of one hundred thousand dollars, each, to construct a bridge across the Cumberland river at Nashville, and that they are hereby consolidated for that purpose, and shall be entitled, upon application, to the sum of two hundred thousand dollars, for which the Governor shall issue coupon bonds of the State at six per cent. at thirty years, to be issued as twenty thousand dollars of the work shall be done from time to time.

“§ 12. *Be it further enacted*, The power is hereby vested in the Louisville and Nashville Railroad Company, and the Edgfield and Kentucky Railroad Company, to enter into an agreement to construct a road to be held and used in common with single or double track, from the city of Nashville to a point to be agreed upon, not to exceed ten miles; and said companies shall each be entitled to State aid under the provisions of the act passed 11th February, 1852, and an act to establish a system of internal improvement in this State, and an act passed 8th February, 1854, entitled, an act to amend an act passed 11th February, 1852, entitled, an act to establish a system of internal improvement in this State, in as full and complete a manner as if each road had been separately constructed. But it shall be the duty of said companies to construct a double track for the distance they run together within five years from the time the cars commence running on said roads; and may agree on terms of separating their interests.

“§ 13. *Be it further enacted*, That this act shall take effect from and after its passage: *Provided*, nothing herein contained shall be construed to prevent the Louisville and Nashville Railroad Company from admitting branch roads to connect with it at any point or points to be agreed upon between said company and those who have or may subscribe stock for the construction of any branch road. The stock subscribed, and the means created to construct each separate branch, shall be faithfully applied to that purpose; and said company is hereby vested with the power and the right to issue its bonds under the provisions of this act to obtain means to construct and equip

any branch road; the bonds to express on their face the purpose for which they were executed; and to secure their payment may execute a deed of trust or mortgage, for the payment of which the rights, credits, profits, property, and franchise, procured for said branch by the use of its means, shall alone be made liable. The credit, rights, or profits of the main stem shall not be used to create means to construct, or made liable for any debt or liability created to construct branch roads; nor shall the rights, credit, property and profits of any branch road be used to create means to construct, or made liable for any debt or liability created to build the main stem; and with a view to such liabilities and profits, said company shall keep separate accounts, exhibiting the stock, property, and debts of the main road and each separate branch.

“§ 14. *Be it further enacted*, That upon the acceptance of said company of the benefit of the act of Tennessee, extending to said company aid in the purchase of iron, &c., two additional directors shall be added to the number allowed by the original charter, who shall be in office from the time of their appointment by the Governor, and remain in office for one year, and until their successors are appointed and qualified. The directors so appointed shall represent the State of Tennessee to amount in shares equal to a subscription of five hundred and forty-five thousand dollars, at all meetings of the stockholders, and in the settings of the Board of Directors, and either may vote for the other, and both or either may in writing vote by proxy; and in like manner may any other Director residing in Tennessee vote in person or by proxy: *Provided, however*, if any thing should occur to prevent the company from receiving the State aid, said State Directors shall only represent the State to the extent the company may realize State aid.

“§ 15. *Be it further enacted*, That the Louisville and Nashville Railroad Company be and they are hereby authorized and vested with the power to make an agreement with any of the County Courts of counties which have subscribed stock in said road, payable in bonds, whereby such counties may, through the County Courts, acting under authority of law conferring the power to contract, agree to reduce the amount of their stock and covenant to pay the same in money at a shorter period, and secure the same by the execution of bonds maturing at an earlier date, and of less denomination, and transfer the stock of said County Courts to the tax payers of the respective counties.

“§ 16. *Be it further enacted*, That upon presentation of tax receipts for taxes paid in Sumner county, to an amount equal to one or more shares, countersigned by the Clerk of the County Court of Sumner county, as now required

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by law, said company shall issue certificates of stock in said company to said tax payers or their assignees; but such stock shall not bear interest."

§ 2. That in addition to the foregoing sections, enacted by the State of Tennessee, and hereby enacted by the State of Kentucky, the following rights are vested and powers created, to be held and exercised by said company within the State of Kentucky: The said Louisville and Nashville Railroad Company are hereby vested with the power and authority to make agreements with any company or corporations incorporated by the laws of the State of Tennessee, to construct a railroad in part or in whole of the distance between Louisville and Memphis, and running in the direction of Louisville, whereby to secure mutual and reciprocal rights to the contracting parties, to run their respective roads through from point to point with or without change of cars or other machinery, and any other agreement which the parties may mutually make to facilitate trade and travel between the said cities of Louisville and Memphis. And the said Louisville and Nashville Railroad Company may, in arranging a tariff of tolls, make discrimination on such freight and travel as may run through from Louisville to Memphis and from Memphis to Louisville, and such as may run in part on their road, and transhipped to another.

§ 3. That said company may, under the provisions of the 13th section of this act, from time to time extend any branch road, and may purchase and hold any road constructed by another company, or may agree on terms to receive the cars of other roads on their said road, but shall charge for the same the usual freight.

§ 4. That said company shall issue to the tax payers on property in the city of Louisville stock in said road when one hundred dollars in tax receipts shall be presented by the original tax payers, their assignees or representatives, for sums which have or may be paid to liquidate the interest on the bonds of the city of Louisville, which have or may be delivered in discharge of stock subscribed in said road by the city; the certificates of stock to set forth the number of shares and fractions of shares to which the holder is entitled. It shall be the duty of the several County Courts, in counties which have subscribed stock, to appoint the Clerk of the County or Circuit Court, or

one of the Commissioners of the Sinking Fund, to issue in printed form to the tax payers, their assignees or representatives, on property in the several counties listed for railroad taxation, when one hundred dollars is presented, setting forth the number of shares and fractions of shares to which the holder is entitled. He shall at the end of each month, if any certificates have been issued during the month, make a certified list of the names of persons to whom he issued a certificate, setting forth the number and fraction of shares, and the names of the persons whose tax receipts are included in the certificates, and forward the same to the office of the railroad company; after the receipt of which, on application of the holders of such certificates, or their assignees or representatives, to cause the usual evidence of stock in shares and fractions of shares to be delivered. It shall be the duty of the Stock Commissioner to keep on file all tax receipts surrendered to him; and on the written request of the President surrender them to the company. Before entering into office he shall take an oath well and truly to discharge the duties of his said office. He may charge and demand payment on the delivery of such certificates one dollar for each share of stock. The holders of such stock shall to all intents and purposes be entitled to all the rights and privileges of stockholders, but such stock shall not bear interest.

§ 5. That any officer or agent in the service of the company who may be intrusted with the care and custody of its funds or securities, or receive the same for sale or disbursement, and shall embezzle the same, or the proceeds thereof, and fail to apply them to the use of the company, and convert the same to his own use, and fail or refuse to restore the money or securities, or the proceeds of securities, or who shall knowingly and wilfully over issue or connive at a knowing and willful over issue of the stock of said company for a fraudulent purpose, shall be deemed guilty of felony, and on conviction be confined in the penitentiary for one year.

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Approved January 17, 1856.

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CHAPTER 23.

AN ACT to legitimatize the illegitimate children of Samuel B. Haddix.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That Lewis, Sarah Ann, and Catharine Davis, the illegitimate children of Samuel B. Haddix, be and they are hereby invested with the full right to inherit the property of the said Samuel B. Haddix, in the same manner and to the same extent as they would, were they his natural and legitimate offspring.

Approved January 19, 1856.

CHAPTER 24.

AN ACT authorizing the Jessamine County Court to sell a portion of the poor house lands in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Judge of the Jessamine County Court be and he is hereby authorized to sell a portion of the poor house land in said county, adjoining the lands of David Bowman, and apply the proceeds to lessening the county levy.

Approved January 19, 1856.

CHAPTER 25.

AN ACT to amend an act, entitled, an act to amend an act to charter the Louisville and Nashville Railroad Company.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that the county of Marion has subscribed, to the capital stock of the Louisville and Nashville Railroad Company, for the purpose of aiding in the building of a branch road from the main stem of said railroad to Lebanon, the sum of two hundred thousand dollars, and in order to raise the means to pay the same, has issued to said company two hundred bonds of one thousand dollars each, the principal payable twenty years after date, and the interest payable semi-annually; and in order to pay the interest on said bonds from their date up to the first day of April, 1856, has levied a tax on the mixed, real and personal estate, subject to taxation in said county: Now, in order to afford the citizens and tax payers in said county an opportunity to liquidate and discharge said debt, principal and interest, at any time short of twenty years,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at any time, after the passage of this act, each and every tax payer may, by and with the consent of the President and Directors of the Louisville and Nashville Railroad Company, liquidate and discharge such part of said debt, principal and interest, as will be equal to such tax payer's proportional part thereof, estimating the whole taxable property of said county for the year in which the payment is made as being subject to the burthen of the whole debt and interest, and such tax payer's taxable property, for that year, as being the rate whereby the proportional amount may be ascertained.

§ 2. That whenever any such tax payers shall make such payment of their proportional part of said debt and interest, a receipt and discharge shall be given to such tax payer, specifying the property on which the tax is paid, and ever after that, such property of such tax payer so paid on, shall be exempt from taxation for the purpose of paying either principal or interest of said debt, unless it shall appear from the aggregate valuation of the taxable property of said county in any year after such valuation is less than it was in the year in which such payment is made, and in that event, such property so exempted and discharged from said debt and interest shall be taxable ratably with all other property of the county, to supply the deficiency or lessening in valuation.

§ 3. That if any such tax payer, so discharging their proportional part of said debt and interest, shall afterwards acquire other property not exempted by payment as aforesaid, such property so after acquired shall be subject to taxation ratably with all other property in the county, unless discharged therefrom in the manner aforesaid.

§ 4. That the sum which any tax payer shall pay in discharge of their proportional part of said debt and interest, shall be owned and held by such tax payer as stock in said railroad company, and as such, entitled to draw dividends as other stockholders.

§ 5. That in order to facilitate the object intended by this act, it shall be the duty of the Judge of the Marion County Court, by an order of record of said court, to appoint some suitable person in said county a commissioner, who shall in said court execute bond with good security, in the penalty of \$20,000, conditioned faithfully to discharge his duties under this act.

§ 6. That the payment by tax payers of their proportional part of said debt and interest shall be made by their purchasing from said railroad company, or others holding the bonds of Marion county, issued for the purpose of aiding in the construction of said road, and by presenting to the commissioner so appointed by the Marion County Court such bond or bonds together with a copy of their

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Tax payers in said county to be privileged to pay their proportionate part of county debt at once.

When any tax payer of said county has paid the full amount of his proportion of the county railroad debt to be exempt from any further taxation on account of the railroad tax.

Property subsequently acquired not to be exempted by a former payment of such tax upon the original property.

The amount of the payment for such railroad tax to be held as stock.

A Commissioner to be appointed by the Marion County Judge.

Payments of the tax payers proportion to be made in the bonds of the county.

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list of taxable property for that year, duly certified by the Clerk of the Marion County Court, and such commissioner shall thereupon, in the manner by this act before directed, ascertain such tax payer's proportional part of the entire debt and interest as aforesaid, and give to such tax payer a receipt, specifying particularly the property so exempted in such tax payer's list, and that such tax payer and the property named in said receipt is discharged from all future liability to be taxed for the payment of said railroad debt and interest; and thereupon such tax payer shall surrender to said commissioner the bond or bonds of said county to the amount, dollar for dollar, of such tax payer's proportional part of said debt and interest.

The bonds when received by the commissioner to be recorded and burnt.

§ 7. That whenever such commissioners shall have taken from tax payers the bonds of said county to the number of ten bonds, he shall present the same, together with a record of the names of the persons from whom he received them, together with a certified list of their property, to the Judge of the Marion County Court, in open court, and said Judge shall inspect the same, and if found correct in calculation, he shall order a record to be made on the order book of said court of the names of the persons so being discharged from further payment, specifying the year in which the estimate was made, and also cause a record to be made of the property so paid upon and exempted and also of the numbers of the bonds so purchased by said commissioners; and thereupon said Judge shall, in the presence of the Clerk of said court and the County Attorney, destroy said bonds by burning them.

Commissioners fee.

§ 8. That the commissioner shall receive for his services, to be paid by the tax payer, fifty cents for each receipt he shall give to such tax payer.

How the assent of the company is to be given.

§ 9. That the assent of the said railroad company to the carrying out of this act, shall be manifested by an order made by the President and directors of said company, in their records, to that effect, and a copy of such order presented to the Marion County Court; and thereupon the Judge of said court shall appoint the commissioner as by this act directed.

No discharge to be given by the commissioners until all former taxes have been paid.

If any tax payer holds more bonds than will pay his tax he shall receive interest on the balance.

§ 10. That no discharge shall be given to any tax payer, until such tax payer shall produce to the commissioner the Sheriff's receipt, or other satisfactory evidence that the railroad tax has been paid for all the previous years.

§ 11. That if any tax payer shall produce to such commissioner a county bond or bonds calling for a larger amount than such tax payer's proportional part of the county debt, the commissioner may give such tax payer a discharge of such tax payer's proportional part of the county debt, and credit the same in his own hand writing on the back of said bond, keeping a record of the num-

ber of the bond and amount and time of credit, and re-deliver said bond so credited to such bondholder who shall thereafter only be entitled to the balance of said bond, and to draw interest on said balance due thereon, which record shall in like manner be returned to the County Court; and when the whole bond is discharged, the commissioner shall take it in, and return it to the County Court as aforesaid.

§ 12. That when the Clerk of the Marion County Court delivers to the Sheriff the commissioners' books of tax for each year, he shall also deliver to the Sheriff an alphabetical list of the names of such persons as have obtained their discharge from the railroad tax, which shall be evidence to the Sheriff of those who are exempt from said railroad tax.

§ 13. That the County Court of Marion county shall, at the June term of said court in each year, levy on the property of said county, taxable for State revenue purposes, not exempted from railroad tax, a sum sufficient to raise the amount of fifty thousand dollars; and the same shall be collected and paid over to the Treasurer of the Sinking Fund, in the same way as is now directed by law in regard to the monies levied and collected off the property owners of said county to pay the interest on her county bonds.

§ 14. That said County Court shall appoint the Sheriff of said county the collector, but such collector shall, before entering upon the discharge of his duties as such, execute bond in said court, to the Commonwealth of Kentucky, for the benefit of Marion county, in the penalty of \$75,000, with good security, conditioned to discharge his duties as collector, such as may be prescribed by this act.

§ 15. Said collector shall have the same power and authority to levy on and distrain in order to collect the amount due from each individual, as the collector of the moneys, to pay the interest on the Marion county bonds now has by existing laws.

§ 16. Before such levy as is in this act authorized shall be made, the County Court of said county shall by an order of record direct the vote of said county to be taken for and against the proposition to levy said sum on said county. If a majority of all the votes cast be in favor of such levy, then said County Court shall lay the same, but if the result of the vote be otherwise, then no such levy shall be made.

§ 17. Before such vote shall be ordered to be taken, there shall be filed in said court a petition praying the same, signed by at least twenty tax payers of said county; but such election shall not take place for fifty days after such order shall have been made, and it shall be the duty of said court to cause the Sheriff of said county to set up

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The clerk of the Marion County Court to give a list to the Sheriff of all who have paid the full amount of their railroad tax.

The County Court to levy a tax of fifty thousand dollars per annum.

The Sheriff to be appointed collector.

To give additional bond.

Powers of the collector.

The vote of the county required to be taken before such levy is made.

Before such vote is ordered a petition requesting the same must be filed.

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The regular
election officers
to take the vote.

Duty of the
collector.

Penalties to be
incurred by the
collector for
malfeasance.

Duty of the
Treasurer of the
Sinking Fund.

The levy to be

a copy of the order, directing such vote to be taken, at each of the places of voting in said county, for at least forty days before the day designated for taking the vote.

§ 18. The same persons appointed to hold the election and take the vote of the electors of said county for county or State officers, shall hold said election, and any vacancy, or non-attendance, of any of the officers so appointed, shall be filled in the same way, that they are now to be filled in case of other elections.

§ 19. The collector shall, as fast as he collects said levy, pay the same over to the Treasurer of the Sinking Fund appointed by said court, in pursuance of an act of the General Assembly of the Commonwealth of Kentucky, incorporating the Louisville and Nashville Railroad Company, and the several acts of the Assembly passed in amendment thereof, and shall have the whole of such levy collected and paid over on or before the 25th day of December of each year in which such levy is laid.

§ 20. For failing to collect and pay over the amount so levied, such collector and his sureties shall be liable by motion in the Marion Circuit Court to a judgment for the amount he may have so failed to collect, or which he shall have collected but shall have failed to pay over, and also ten per cent. damages thereon; and this remedy shall be in addition to the ordinary suit by petition and summons on said bond which is hereby given to said county.

§ 21. It shall be the duty of the said Treasurer of the Sinking Fund, upon the receipt of monies from the collector, to purchase the bonds of the said county, issued for railroad purposes, upon the best terms that may be offered, and shall at the first term of said County Court after any purchase shall be made, report the same to said Court. The numbers, and other distinctive marks upon any such bond shall be noted of record as matter of identification, and shall be destroyed in the manner pointed out in the seventh section of this act. The court shall also cause a book to be kept in the Clerk's office of his court, in which he shall see that full entries of all essential marks of identification of such bond paid off and taken in shall be made previous to its destruction.

§ 22. The levies herein authorized to be made shall be levied so long and no longer than shall be necessary to pay and discharge the principal and interest of the bonds of said county issued for railroad purposes and such contingent and necessary expenses as may be incurred in levying, collecting, and paying in the same.

§ 23. That if upon submitting the same to the people of said county, it shall appear that a majority of the votes cast are not in favor of making the levy, then the question shall not again be submitted during the same year, but may again be ordered and taken in the manner and

upon the condition prescribed in this act, in any subsequent year.

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§ 24. That this act shall take effect from its passage.

Approved January 19, 1856.

CHAPTER 26.

AN ACT to amend an act incorporating the town of Mayfield, Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act the trustees of the town of Mayfield shall have power and authority to grant coffee-house license, and tax the same in a sum of not less than twenty-five nor more than one hundred dollars; and it shall be the duty of said trustees, as soon after the passage of this act as may be, to fix the amount of tax as aforesaid, by an order on the records of said town; and on the first day of January of each year thereafter, they shall fix the same again, which shall be the tax for the ensuing year; and upon presentation and payment of the tax so fixed, by any person or persons, a license to keep a coffee-house for one year shall be issued, signed by the chairman and countersigned by the clerk of the board: *Provided*, That on granting such license the applicant or applicants shall take an oath before the Police Judge of said town, that he will not, during the period his license remains in force, sell or give, or cause to be sold or given, to any slave of which he is not the owner and possessor, or which is not in his employ by contract with the person having the rightful authority to hire the slave, any wine, brandy, whiskey, or other spirituous liquor, or a mixture thereof, without an order in writing from the person owning or having authority over such slave for the time being; and for a violation of such oath, the offender shall be subject to all the penalties prescribed by law.

The trustees to have power to grant coffee-house license and fix the amount of the tax thereon.

The applicant for license to take an oath.

§ 2. That a Police Court be and the same is hereby established in the town of Mayfield, in Graves county, which court shall consist of a Judge and Marshal, who shall be elected by the qualified voters of said town, and at the same time and in the same manner that the trustees of said town are elected.

A Police Court may be established.

Police Judge and Marshal to be elected by the voters of the town.

§ 3. In case of a tie the same shall be decided in the same manner and under the same rules and regulations as now prescribed by law in relation to a tie vote for County Judge; and all vacancies in either of said offices of Police Judge and Marshal shall be filled, until the regular election, by the County Judge of Graves county.

How a tie may be decided.

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The Police
Judge to be com-
missioned by
the Governor.

The Marshal to
give bond.

Qualifications
and powers of
the Police Judge
and Marshal.

§ 4. The said Police Judge and Marshal shall reside and keep their offices within the limits of said town; and the Judge shall be commissioned by the Governor; and each of them shall, before he enters upon the duties of his office, take the oaths prescribed by the constitution and laws, which oaths may be administered by any officers authorized to administer oaths.

§ 5. The Marshal shall at the first County Court of Graves county after he shall have received his certificate of election, enter into bond with good security, payable to the Commonwealth, conditioned to discharge faithfully and impartially all the duties required of him by law, and may be sued upon from time to time by any person feeling himself aggrieved; said bond shall be kept and filed away in the County Court Clerk's office by the Clerk thereof.

§ 6. The Police Judge shall have the same qualifications of the Justices of the Peace, and the Marshal those of a Constable, and each may be removed by judgment of the Circuit Court, upon presentment of the Grand Jury, for malfeasance in office, subject to an appeal to the Court of Appeals. Said Police Court shall have jurisdiction of all violations of the by-laws and ordinances of said town, and shall also have the same jurisdiction of all cases, civil and penal, within the limits of said town, as Justices of the Peace now have, and shall have the same fees as Justices of the Peace. The Police Judge shall also have the power to issue attachments and injunctions in the same manner and under the same regulations prescribed by the Code of Practice.

§ 7. The Marshal shall exercise the same power now granted by law to Constables, and be entitled to the same fees for similar services. Appeals from said Police Court shall be had to the County Court and Quarterly Court, under the same rules and regulations as now govern appeals from Justices' Courts.

§ 8. That the said Police Judge and Marshal shall each deliver over to his successor any books or papers pertaining to each office. The Marshal shall execute all process of said court when directed to him, or he may execute process directed to him by any Judge or Justice of the Peace for said county. The Police Judge may, for good cause, direct the process to any Constable or Sheriff of said county, who shall execute the same.

§ 9. The first election for Police Judge and Marshal shall be on the first Monday in April next; and the persons then elected to said offices shall continue in office for one year, and until their successors are elected and qualified as required by this act.

§ 10. This act shall take effect from its passage.

Approved January 19, 1856.

CHAPTER 28.

AN ACT to incorporate the Owensboro' and Wolf Hill Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Andrew Rankin, J. R. Barbour & Co., John F. Hunter, Jr., James L. Johnson, Geo. N. McKay, Geo. H. Yeaman, S. M. Wing, James Weir, F. M. Pearl, W. B. Pegram, Josiah Veech, P. H. Messmore, I. H. Kellar, John W. Compton, W. B. Tyler, James Anderson, Daniel M. Griffith, and Thomas H. Pointer, or any five of them, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, in perpetuity, by the name and style of the Owensboro' and Wolf Hill Railroad Company, and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; may have and use a common seal, and alter the same at pleasure; may make rules and by-laws for the regulation and government of the company, not inconsistent with the laws of Kentucky, or of the United States, and shall have power generally to do and to execute whatever shall pertain to such bodies politic, and to carry out the powers herein granted.

§ 2. That said company are invested with all the rights and powers necessary for the construction, repair, and use of a railway, with such appendages as may be convenient and necessary, commencing at any eligible point in the town of Owensboro', or within one mile of the limits of said town, thence by such route as they may select to any point at or near Wolf Hill, in Daviess county, and within the limits of the tracts of land on which John F. Hunter, Jr., or his assigns, now hold mineral leases and privileges—said road not to exceed sixty feet in width; and said company may make or cause to be made a contract or contracts with others for making said road, or any part thereof, or for materials for constructing it; and they or their agents, or those with whom they contract for making any part of said road, or their agents, may enter upon, use, and excavate any land, earth, gravel, or stone which may be wanted for the site of said road, or for any other purpose useful or necessary in the construction, use, or repair of the same; may build bridges, provided they do not obstruct a navigable stream, fix scales and weights, lay rails, may take and use any earth, timber, gravel, stone, or other material necessary or useful in the construction, repair, and use of said road, or any part of its works, and may make and construct all works whatsoever which may be necessary or expedient in the proper completion, use, and repair of said road, subject to the restrictions hereinafter contained.

§ 3. That the corporators named in this act, or any five of them, shall have power to organize said company by

corporators

corporate name

rights and powers

the locality of the road

officers

1856.

the appointment of a President, Treasurer, Secretary, a board of five Directors, to control and manage the business of the company according to their rules and by-laws, and such other officers as they may deem necessary, at such time and place as they may designate by notice previously given ; and thereafter the said officers and directors shall be elected annually by the stockholders of said company, at such time and place, and in such manner as the by-laws may direct ; and all vacancies shall also be filled as the by-laws may direct.

Books opened.

§ 4. That under the directions of the corporators named in this act, or any five of them, subscriptions may be received to the capital stock of said railroad company, and they may cause books to be opened for that purpose at such times and places as they may direct, after having given notice thereof, and may continue said books open for such length of time and adjourn to such places as they may deem expedient until the capital stock of the company is subscribed.

Capital stock.

§ 5. That the capital stock of said railroad company shall be two hundred thousand dollars, in shares of fifty dollars each, which may be subscribed and paid for by any person or corporation in such manner and at such times and places as may be prescribed by the rules and by-laws of the company ; and as soon as one hundred shares of stock shall be subscribed, the said company shall be invested with all the rights and powers herein conferred ; and it shall be lawful to receive subscriptions for stock in contracts for work, well secured, to build said road or such parts of it, or to perform such work or to furnish such materials for the construction thereof as the company may accept.

§ 6. Certificates of stock shall be issued as the by-laws of the company may direct : the stock shall be personal estate, shall be assignable, and when assigned shall be transferred on the books of the company.

§ 7. The company shall cause a book to be opened, subject at all times to the inspection of any member of the company, which shall contain the names of all the members, and the estimated share of stock each member may own ; and each member shall share the profits and be liable for the losses of the company to the extent of and in proportion to the amount of his capital stock in the company.

Bond required
of officers.

§ 8. The President and Directors may take from such officers of the company, bonds, in such sums and with such surety as they may deem necessary, conditioned for the faithful performance of their duties under this act and the by-laws of the company, upon which bonds recovery may be had by any person or corporation injured by a breach of the condition thereof.

§ 9. That the company shall have power at all times to borrow such sums of money and upon such terms as they may deem expedient, for the use of said company, and to pledge or mortgage said road, together with all its works, appendages, and machinery appertaining thereto, for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

§ 10. That said company shall have power, whenever they deem it expedient, to continue said road from Owensboro', by the way of Wolf Hill, to the line of the projected Louisville and Memphis Railroad, as authorized to be built by the act of March 1st, 1854, and to connect with said Louisville and Memphis Railroad at such point as they may deem best, and upon such terms as may be agreed upon by the two companies.

§ 11. That said company shall have the power and right to build from the main stem of the Owensboro' and Wolf Hill Railroad any branches that may be necessary to connect the same with any mines of coal, iron, or other mineral in or upon any lands now owned or leased, or hereafter to be owned or leased, by said company; said branches, and the continuation of the said road provided for in the preceding section, to be constructed, repaired, and used in the same manner and with the same restrictions as the main stem.

§ 12. That the President and Directors of said company, or a majority of them, or their authorized agents, may agree with the owner of any land, earth, timber, stone, or other material, or any improvements which may be wanted for the construction, use, and repair of said road, or any works, houses, or depots appertaining and necessary thereto, for the purchase, or for the use and occupation of the same, and for the right of way over any such lands; and if they cannot agree, or if the owner or owners, or any of them, be a married woman, under age, *non compos mentis*, or out of the county in which the property wanted may lie, or refuse to sell such land or materials, or grant such right of way, application may be made to any Justice of the Peace of the county in which the property wanted may lie, who shall thereupon issue his warrant under his hand, directed to the Sheriff of the county, requiring him to summon a jury of twenty inhabitants, not related, or in any way interested, to meet on the land or near the property or materials to be valued on a day named in said warrant, not less than ten nor more than twenty after the issuing of the same; and if at the time and place any of said jurors do not attend, said Sheriff shall forthwith summon as many as may be necessary with the jurors in attendance, and from them each party, or if not present by agent or otherwise, then the Sheriff for the party absent, may strike off four jurors,

Road may be continued.

Power to build branches.

Contracts for material, &c.

Provisions for damages in right of way, &c.

1856.

and the remaining twelve shall act as the jury of inquest of damages; and before they act as such, said Sheriff shall administer to them an oath or affirmation, that they will justly and impartially fix the damages which the owner or owners will sustain by the use and occupation of said property by the company; and the said jury, in estimating said damages, shall take into consideration the present value of the whole of any tract of land of which that to be taken forms a part, and the fair prospective value of the remainder after such part may have been taken, and the road constructed and in useful operation; but the estimated benefits shall only go in extinguishment of damages; and said jury shall reduce their verdict to writing, and shall sign the same, and it shall be returned by the Sheriff to the Clerk of the County Court of his county in ten days, and by the Clerk shall be filed in his office, and shall be confirmed by the said County Court at its next term, if no sufficient cause to the contrary be shown; and when so confirmed, shall be recorded by said Clerk in his office, at the expense of said company; but if set aside, the Court shall order another inquisition to be taken in the same manner as the first; and such inquisition shall describe the property taken or the bounds of the land condemned, and the duration of interest in the same, valued for the company, and such valuation, when paid or tendered to the owner or owners of such property, or his or her or their legal representatives, or to the Clerk of the county in which said inquest is held, for their use, when such owners, &c., do not reside in such county, shall entitle the company to the estate and interest in the same thus valued, as fully as if it had been conveyed to them by the owner or owners of the same, and the valuation if not received when tendered, may at any time thereafter be recovered from the company without costs, by said owner or owners, or his or their legal representatives or heirs.

§ 13. That whenever it may be necessary for said company to have, use, or occupy any land, materials, or other property, in order to the construction or repair of any part of said road or their works or necessary buildings, the President and Directors of said company, or those contracting with them for making or repairing said road or roads may immediately take and use the same, they having first caused the property wanted to be viewed by a jury formed in the manner hereinbefore prescribed; and it shall not be necessary after such view, in order to the use and occupation of the same, to audit the issue of the proceedings upon such view; and the inquest of the jury, after the payment or tender of such valuation, shall be a bar to all actions for taking and using such property,

whether begun before or after such valuation, or the payment or tender thereof.

§ 14. That whenever, in the construction of said road or its branches, it shall be necessary to intersect any other established road or way, it shall be the duty of the President and Directors so to construct the railroad across such way so as not to obstruct the passage of persons or property along the same; and when it shall be necessary to pass through the land of any person it shall also be their duty to provide for such person proper wagon ways across said railroad from one part of said land to another; and if said company shall fail to provide such wagon ways across said road as provided in this section, it shall be lawful for any person injured by such failure to sue said company, and recover such damages as the jury may think him or her entitled to for such neglect.

§ 15. That this act go into effect immediately from and after its passage and approval by the Governor; and the right is reserved to the General Assembly of Kentucky at any time hereafter to amend, alter, or repeal this act.

Approved January 19, 1856.

1856.
Not allowed to obstruct any public highway.

The right to repeal, &c., reserved to the Legislature.

CHAPTER 29.

AN ACT to incorporate the Great Western Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William P. Mellen, Archibald Borders, Laban T. Moore, William T. Nichalls, William M. Snow, and Daniel A. Gliddon, their associates, survivors, successors, and assigns, be and they are hereby created and constituted a body politic and corporate, by the name and style of the "Great Western Mining and Manufacturing Company," and by that name, with a capital of three millions of dollars, to have perpetual continuance and succession, for all purposes of mining coal, iron ore, and other minerals, and manufacturing the same into any and all such forms for all such uses and purposes as the said company may deem for their advantage; boring for and manufacturing salt and doing all things properly connected therewith; building barges, steamboats, ships, vessels and other water craft, and manufacturing and constructing all articles and things out of wood and lumber in any and every form, with or without iron or other materials in connection therewith; clearing up and cultivating the lands of the said company in such manner and for such purposes as the said company shall deem for their advantage, and manufacturing the products thereof; building all such buildings and making all such other improvements upon

Corporate name.

Privileges.

1856.

May divide
their business
into different
branches.

powered to set apart and appropriate from time to time such part or parts of the capital stock of the said company to each or any department of the business above named, or to the construction of the slackwater navigation of the Big Sandy river, or to the construction of any railroad as aforesaid, as they may deem expedient and sufficient for properly establishing and conducting the said business, and making the said slackwater navigation or building the railroad or roads above mentioned; and upon so doing they shall designate by name and style the business, slackwater navigation improvement, or railroad, with the amount of capital stock set apart and appropriated therefor, and shall file a statement thereof in the office of the County Clerk of the county where the said business is to be conducted, or in the county or counties where the said slackwater navigation or railroad is to be built or constructed; and from the time of filing such statement, the capital stock so set apart and appropriated to a particular purpose as aforesaid shall belong exclusively to the said name and style designated in and by the statement filed as aforesaid; and the holders of the capital stock so set apart and appropriated for a particular purpose, shall proceed to elect officers for the management thereof, under the said name and style, in the same manner, under the same rules and regulations, and with the same powers as the said company do it, and thenceforth the said business, under the said name and style so designated, or the said slackwater navigation or railroad under the name and style designated for them, shall be managed and conducted by the officers thereof with the same rights, powers and privileges as are held and exercised by the officers of the said company; and each particular business, slackwater improvement, or railroad construction under the name and style so severally designated as aforesaid, shall hold its capital stock, property, and effects, pay its debts and liabilities, sustain its losses and divide its profits entirely independent of and unmixed with the general capital stock, business, property and effects of the said company, or with any other name and style so constituted and designated as aforesaid.

§ 6. The said company are hereby authorized and empowered to make any subscription they may deem expedient, to the capital stock of any railroad company, slackwater navigation company, or other company for the improvement of the Big Sandy river, which may tend to enhance the value of their lands and property, or to the improvement of the valley of the Big Sandy river.

§ 7. The real and personal estate, funds, business affairs and prudential concerns of the said company shall be under the management, direction, and control of seven directors, one of whom shall by them be elected Presi-

The affairs of
the company to
be conducted by
directors.

dent, and after the first election, to be made as hereinafter specified, the stockholders shall hold a general meeting annually for the election of officers, at such time and place, upon such notice, and conducted under such rules and regulations, as shall be specified by the by-laws of the said company, which said officers so elected shall hold their offices from the time of such election for one year, and until their successors are elected and assume the performance of their duties; and in case of failure to elect officers on any appointed day, this corporation shall not for that cause be dissolved or prejudiced, but it shall be lawful for the stockholders to make an election of officers on any other day, in such manner as shall be provided for by the by-laws of the said company; and in case of the death, resignation or permanent absence of any one or more of the said officers, a majority of the remaining members of the board shall by vote fill such vacancy or vacancies by the election of some other stockholder or stockholders.

§ 8. Special meetings of the stockholders of the said company may be called by the President and directors or a majority of them, at any time when they may think the interests of the company require it, by a notice thereof published for four weeks in one or more newspapers published in the city of Covington or Louisville; and at all meetings of the stockholders, whether general or special, each share of stock shall entitle its holder to one vote; and any stockholder not personally present, may vote by proxy, such proxy presenting his authority in writing at the time of offering his vote: *Provided*, that no share of stock shall entitle its holder to a vote unless it shall have been owned by him in good faith for at least thirty days previous to the time of such voting, and shall stand to his credit on the books of the company unincumbered, and at all meetings of stockholders, if a majority of the capital stock issued by the said company shall be represented and voted, a majority of that so voted shall render the actings and doings of such meeting valid and binding upon all the stockholders of the said company.

§ 9. The capital stock of the said company shall consist of and is hereby made three millions of dollars, to be divided into thirty thousand shares of one hundred dollars each, and the incorporators named in the first section of this act, or any three of them, or their assigns, may at any time after the passage of this act, proceed to take subscriptions for the said capital stock, in such manner and upon such terms as they may specify; and when one thousand shares thereof shall have been subscribed, then the said incorporators, or any three of them, or their assigns, shall by writing notify each and every one of said subscribers of the amount subscribed, and that a meeting

Meetings of
the stockholders
may be called.

Capital stock.

1856.

of said stockholders for the election of seven directors will be held at such time and place as they may designate in such notice, at which meeting the said incorporators, or any three of them, or their assigns, shall preside and act as judges of such election; and as soon after the election of the said seven directors as it can conveniently be done, they shall meet and elect one of their number as President of the said company, and the said President and Directors shall hold their offices for one year, and until their successors are elected and assume the duties of their offices.

Subordinate officers.

§ 10. The President and Directors, or a majority of them, shall have power to elect and appoint all such officers, agents, and servants under them as they may think proper, fix their compensation, define their powers, prescribe their duties, and remove them at pleasure.

Right to borrow.

§ 11. It shall be lawful for the President and Directors, and they are hereby authorized and empowered, at any time when they think the interest of the company will be promoted thereby, to borrow such sum or sums of money for such time, upon such terms, and at such rate or rates of interest as they may deem expedient, and to secure the payment of the same by pledge or mortgage of all or any part or parts of their property, real, personal, or of whatsoever nature, and to issue bonds therefor with or without coupons attached, and convertible in whole or in part into the capital stock of the said company; and the capital stock of the said company hereinbefore mentioned may at any time be increased to such amount as may at all times be sufficient to cover the conversion of bonds as aforesaid, if required by the holder or holders thereof.

Dividends.

May money. lend

§ 12. The President and Directors, or a majority of them, shall from time to time make such dividends of the profits arising from the business of the said company as they may think proper, and may also create a contingent fund, and the same loan out in such sum or sums, in such manner, upon such securities, and at such rate or rates of interest, not exceeding the legal rate, as they may think for the best interests of said company; or may invest the same in such other way as they may think best to insure at all times the prompt payment of all creditors of the said company. But nothing herein contained, shall be so construed, as to give the said company banking privileges, other than those possessed by individuals.

§ 13. At all meetings of the Board of Directors, four shall form a quorum for the transaction of the business of the said company, and the action of a majority of those present at any meeting of the board shall be valid and binding upon the company.

§ 14. The terms of payment for the stock subscribed

after the first election of officers of the said company shall be fixed by the President and Directors, or a majority of them; and if any stockholder shall fail to pay any installment required to be paid by the terms of his subscription when it shall become due, the President and Directors, or a majority of them, may, by ten days previous notice in writing to him that they will so do, proceed to sell the stock so in arrears, at public auction, to the highest bidder, who upon presentation of his certificate of said purchase, shall be entitled to a transfer of the share or shares so sold to him, upon the books of the said company; and the proceeds of such sale shall be applied towards the payment of the balance due for the share or shares so sold; and if there shall be a surplus after such payment, the same shall be paid over to such delinquent, but if there remains a balance due on account of the subscription for the share or shares so sold, then the said company may sue for and recover the same; and all debts due from a stockholder to the company shall be a lien in favor of the company upon the stock owned by him.

§ 15. The President and Directors of the said company, or a majority of them, shall make all such rules and by-laws for the government, conduct, and action of the said company as they may deem expedient, and as shall be proper or required for the due execution of the powers, rights, and privileges hereby granted, and the same alter, amend, or annul as they may think best for the interests of the said company.

§ 16. This act shall take effect immediately after its passage; and the right is reserved to the Legislature to amend or repeal the same, for a violation of the rights and powers herein granted; *provided*, that such amendment or repeal shall in no wise prejudice rights already vested, or which may have become vested under this charter, or the rights of creditors of said company.

Approved January 19, 1856.

CHAPTER 30.

AN ACT to incorporate the Green River Coal and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Joseph R. Underwood, J. C. Wilkins, William P. Payne, B. W. Hall, Thos. A. Atchison, E. D. Payne, Charles McKinney, and B. T. Payne, be and are hereby appointed Commissioners, for the purpose of opening books, at such time and place as they or any five of them may determine upon, in the town of Bowlinggreen, War-

Commissioners

Opening books

1856.

ren county, Kentucky, for the purpose of receiving subscriptions to the capital stock of the Green River Coal, Iron, and Manufacturing Company; and may adjourn from time to time as they may determine.

Real estate taken as stock.

§ 2. That the above named Commissioners, or any five of them, may receive subscriptions to the capital stock of said company in real or personal estate, coal rights, ore and mining rights, and issue certificates to such subscribers, for such proportion of the capital stock of said company as the Commissioners, or any five of them, may agree and determine upon, for the real or personal estate, coal rights, ore, and mining rights thus subscribed: *Provided*, That said Commissioners shall not be permitted to issue certificates for property thus subscribed, for a greater amount than two and a half millions of dollars.

Report to the Governor.

§ 3. That so soon as the Commissioners shall have received subscriptions to the capital stock of said company, to an amount sufficient, in their judgment, to enable the company to prosecute its business successfully, they shall report to his Excellency, the Governor of the Commonwealth of Kentucky, the amount of stock subscribed—in what, by whom and how secured to said company, in what county or counties the real estate is situated, and the number of certificates issued, and the amount of each—and upon the presentation of such report to the Governor, certified by said Commissioners, or any five of them, he shall thereupon issue his proclamation, in substance, declaring that the capital stock of the Green River Coal, Iron, and Manufacturing Company has been subscribed, and is owned by the persons holding the Commissioners' certificates for the same; and the aggregate amount of certificates issued by the Commissioners is hereby declared the amount of the capital stock of said company; and this proclamation shall be authority to the holders of said certificates to commence business as a corporation.

Corporate name and powers.

§ 4. That the persons holding and owning the Commissioners' certificates as above provided, their associates, successors, and assigns be and they are hereby constituted a body corporate and politic, by the name and style of the Green River, Coal, Iron, and Manufacturing Company, and by that name and style, shall have perpetual succession, and power to contract and be contracted with, to sue and be sued, plead and be impleaded, to have a common seal, and the same to alter or renew at pleasure, and shall have power to do and execute, for the well being of said company, whatsoever shall lawfully pertain to such body, and may be necessary and proper to carry on successfully their business as defined in section fifth of this act. To make rules, by-laws, and regulations for the management of said company, its business and affairs,

not inconsistent with the laws of this Commonwealth, and the constitution and laws of the United States; and shall elect five Directors, who shall hold their office until their successors are elected and duly qualified, and said Directors of their own body shall appoint a President, and said President and Directors, shall appoint such officers and agents as they may deem necessary.

§ 5. That the business of said corporation shall consist in developing the mineral resources of any lands belonging to or in possession of, or which may hereafter belong to or come into the possession of the company hereby incorporated; and for that purpose said corporation is authorized to purchase and hold mineral and coal lands, to mine, raise, transport to market and sell stone coal, or to convert the same into any other material for use and sale, also to mine, raise, and smelt iron ore, and to manufacture the same into pig-blooms, bar and sheet iron, steel or any other article usually made for use and sale at foundries, bloomeries, furnaces and forges, and to do all things necessary and proper for manufacturing, marketing and vending the same, and to mine and manufacture, any other mineral which may be found, on the lands of said corporation, into its appropriate marketable commodity, and to vend the same by agents or otherwise in or out of this State. This corporation is further authorized to purchase, hold, use, and sell, any article or articles, necessary for the successful prosecution of the business aforesaid.

§ 6. That the President and Directors, as soon as convenient after the Governor shall have issued his proclamation, as required in section third of this act, shall cause the scrip of this company to be issued, to the holders of the Commissioners' certificates, to the amount of each certificate in shares of fifty dollars each, that said scrip representing the capital stock of said company shall be signed by the President and countersigned by the Secretary, and that each share of stock shall entitle the holder thereof to a vote at any election by the stockholders, which may be cast in person or by proxy.

§ 7. That the by-laws of said company shall provide and determine the time and place of holding elections for Directors, also how, and when dividends shall be declared and paid, provided that no dividend shall be declared at any time concerning any portion of the capital stock of said company, and shall specify the manner in which the scrip of this company may be assigned or transferred and in what manner the officers of said company shall give bond, the manner of removing officers, or agents, and filling of vacancies.

§ 8. That the President, Directors, Secretary, and Treasurer, before they enter on the discharge of the duties of their respective offices, shall be sworn or qualified be-

1856.

Officers.

Business.

Scrip.

Officers sworn

1856.

Commissioners may subscribe for stock.

May be repealed or amended.

No banking privileges.

Corporate name.

Capital stock.

Opening books

Toll-gate.

fore some officer of this Commonwealth (authorized to administer an oath) to discharge faithfully and truly the duties devolving upon them to the best of their knowledge and ability.

§ 9. That a majority of the Directors shall form a quorum to transact business, and that nothing in this act shall be so construed as to disqualify the Commissioners appointed by this act, from subscribing and owning stock in this company.

§ 10. The Legislature reserves the right to repeal, alter, or amend this charter, should it become necessary, and no alteration or amendment shall in any wise operate to the prejudice of creditors or stockholders.

§ 11. That nothing in this act shall be so construed as to grant banking privileges to this company, and that this act shall take effect from and after its passage.

Approved January 19, 1856.

CHAPTER 31.

AN ACT to incorporate the Taylor County and Muldrough's Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of the Taylor County and Muldrough's Hill Turnpike Road Company, for the purpose of forming an artificial road from the Green county line to the termination (near James Sanders') of the State turnpike road over Muldrough's Hill.

§ 2. That the capital stock of said company shall be twenty thousand dollars, divided into shares of twenty-five dollars each.

§ 3. That books for the subscription of stock in said company shall be opened at such times and places as may be agreed upon by the commissioners hereinafter named, viz: Jonathan Cowherd, Richard A. Webster, Richard Cowherd, James Durrett, Benjamin L. Owens, Joel C. Durham, Samuel M. Durham, and Robert P. Sanders, sen., or some two or more of them, who are hereby appointed commissioners for that purpose, who shall give such notice of the time and place of opening said books as may be deemed expedient; and said books may be kept open until the amount of the capital stock be subscribed.

§ 4. Whenever five continuous miles of said road shall be completed, the company may erect a gate and charge such rates of toll for traveling on their road as are authorized to be collected in clause 3, of section 3, of chapter 103 of the Revised Statutes.

1856.

§ 5. That if the construction of the road provided for by this act, shall not be commenced within five years from the passage hereof, the rights, privileges and immunities hereby granted shall be void.

§ 6. That so soon as said company is organized by the election of officers, which shall be whenever the commissioners hereinbefore named, or some two or more of them, may deem the amount of capital stock subscribed sufficient to construct five miles thereof, which may be in money, or labor, or both. The President and Directors shall possess all the powers, rights, immunities and privileges, and shall and may do all acts and things necessary for laying out and causing a survey of the most practicable route for said road, and for carrying on and completing the construction of the same; and may have and enjoy all the rights and privileges, and be subject to all the duties, qualifications and restrictions as are given and granted to the Lebanon, New Market, and Springfield Turnpike Road Company, by an act approved February 18, 1848, except as herein provided; and all the provisions of said act, except as far as they may be local in their application, or conflict with this charter, are hereby enacted as part of this act: *Provided*, That the notices of general meetings, and of the calls made on the stock subscribed, shall not be required to be published in a newspaper.

§ 7. That the stockholders of said company at a general meeting, called for that purpose, after ten days notice by the President and Directors, of the time, place, and object thereof, shall have been given by written notices set up at five of the most public places in the neighborhood of said road, may consolidate their company and road with that of the Greensburg and Taylor County Turnpike Road Company, upon such terms as may be agreed upon between them, if a majority of the stock subscribed be represented in said meeting, either in person or by proxy, and vote in favor of said consolidation; in which event the consolidated company shall be known by the name and style of the Greensburg and Taylor County Turnpike Road Company, and by that name shall be subject to all the liabilities, and succeed and be entitled to all the rights, powers, immunities and privileges pertaining to said Taylor County and Muldrough's Hill Turnpike Road Company granted by this act, and by that name, in any court of competent jurisdiction, may coerce the payment of subscriptions made to the capital stock of said Taylor County and Muldrough's Hill Turnpike Road Company, as fully and completely as if said subscriptions had been made payable to the Greensburg and Taylor County Turnpike Road Company; and said consolidated company shall thenceforth in all things be governed by the provisions of this charter.

May concord-
date.

1856.

§ 8. The General Assembly reserves the right to amend this act at pleasure; and it shall take effect from its passage.

Approved January 19, 1856.

CHAPTER 32.

AN ACT to repeal the act incorporating the town of Jackson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, "an act to incorporate the town of Jackson," approved March 10, 1854, be and the same is hereby repealed.

Approved January 19, 1856.

CHAPTER 33.

AN ACT to amend the charter of the Greensburg and Taylor county Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the actings and doings of the Green County Court, under the provisions of chapter 103 of the Revised Statutes, in incorporating a company, by the name and style of the Greensburg and Taylor county Turnpike Road Company, for the purpose of constructing a turnpike road from Greensburg to the Green county line, in the direction of the termination, near James Sanders, of the State Turnpike Road over Muldrough's Hill, be and the same are hereby confirmed.

Corporate
name and pur-
poses.

Route may be
changed.

§ 2. That stockholders of said company, at a general meeting called for that purpose, by the Board of Managers, after ten days notice of the time, place and object of the meeting shall have been given, by written notices set up at four of the most public places in the neighborhood of said road, and at the Court house door in Greensburg, may change the route of said road if they deem it advisable to do so, by running from Hilliard's old shop to the Green county line in the direction of Campbellsville, instead of the route originally adopted under the sanction of the Green County Court, and may construct their road over said new route; *Provided*, that a majority of the stock subscribed be represented in said meeting, either in person or by proxy, and vote in favor of making said change.

§ 3. Should a majority of the stock subscribed vote in said general meeting in favor of the change of the route of said road in the direction to Campbellsville, the said company shall have power and authority to construct their

road over said new route; and to that end may procure the right of way therefor and grant of materials for the construction thereof, either by surrender, or by condemnation, as prescribed in said chapter, and may receive aid in the construction of their road by additional subscriptions to their capital stock to an amount sufficient to complete the same, payable either in money, or upon such calls as may be determined by the managers, or in labor at such prices as may be agreed upon.

§ 4. That upon the completion of their road from Greensburg to Hilliard's old shop, the Board of Managers of said company may erect a gate thereon and collect such tolls for travelling on said road as are established in clause 3, of section 2, of said chapter, without complying with the provisions of section 17 of said chapter.

§ 5. That the stockholders of said company, at a general meeting called for that purpose, under the restrictions provided in the second section of this act, may consolidate their company and road with that of the Taylor county and Muldrough's Hill Turnpike Road Company, upon such terms as may be agreed upon between them; in which event the consolidated company shall be known by the name and style of the Greensburg and Taylor county Turnpike Road Company, and by that name shall be subject to all the liabilities, and succeed and be entitled to all the rights, powers, immunities and privileges pertaining to said Taylor county and Muldrough's Hill Turnpike Road Company under the act of the General Assembly incorporating said company and thenceforth be governed in all things by the provisions of said act.

§ 6. The General Assembly reserves the right to amend this act at pleasure; and it shall take effect from its passage.

Approved January 19, 1856.

CHAPTER 35.

AN ACT to amend the charter of the town of Hopkinsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Board of Trustees of the town of Hopkinsville, shall have the exclusive right and power to license all taverns, houses of entertainment, coffee houses, victuallers, confectioners and other houses of public resort, and all merchants, druggists and other persons who may desire to sell liquors in quantities less than a quart in said town; and the privilege to sell liquors shall not be conferred unless it be expressed in the license; and the board may require the party to pay a tax into the town

Trustees to
grant coffee
house license
&c.

1856.

Tolls.

May consolidate.

1856.

Streets.

Treasury for the license which he may obtain, the amount of which may be fixed by the board.

§ 2. The board may cause the streets of said town to be graded and paved or macadamized; and after any street shall have been thus improved, the board may cause the sidewalks along such street to be paved at the expense of the owner or owners of the lots fronting thereon; and for that purpose may have the lots sold in the manner in which real property in the town is subject to sale for the revenue taxes of the town, and the owner of the lots thus sold for paving taxes shall have three years from the day of sale in which to redeem the property by paying to the purchaser twenty per centum per annum on the amount bid, together with the amount; and persons under the disability of infancy, coverture or unsoundness of mind, shall have, in addition thereto, one year to redeem after the removal of such disability, and shall be required to pay ten per centum per annum, together with the amount for which the property thus sold.

Police Judge.

§ 3. The Police Judge of said town shall have power to impose fines agreeably to the town ordinances to the amount of twenty dollars, without the intervention of a jury.

Qualification of Trustee.

§ 4. No person shall be a Trustee of said town who shall not have resided one year in the town next preceding his election, and who is not a house-keeper.

Power to assess town tax.

§ 5. Said Trustees shall have power and authority to levy an *ad valorem* tax, not exceeding fifty cents on each one hundred dollars worth of property, on each store or grocery in said town; and for this purpose they shall have the power to fix the time of said assessment, the amount to be ascertained in the same manner as for the assessment of revenue for State purposes.

Fines.

§ 6. Said Trustees shall have power and authority by their by-laws to impose a fine not exceeding sixty dollars upon any person trespassing upon or injuring the grounds or improvements of the cemetery near the town of Hopkinsville, or any church edifice or grounds within the limits of said town. Said fine to be recovered before the Police Judge of said town, or any court having jurisdiction.

§ 7. That said Trustees shall have power to increase the taxes, not exceeding the sum of fifty cents *ad valorem* upon the property in said town.

Approved January 19, 1856.

CHAPTER 36.

AN ACT for the benefit of Dixon C. Murphy, of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the Treasurer, in favor of Dixon C. Murphy, of Barren county, for the sum of sixty-two dollars, which is hereby allowed him for boarding Polly Murphy, a pauper lunatic, and for expenses incurred by him, the said Murphy, in taking said lunatic to the Lunatic Asylum at Hopkinsville; to be paid out of any money in the Treasury not otherwise appropriated.

1856.

Approved January 19, 1856.

CHAPTER 37.

AN ACT for the benefit of William Hanna, of Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That hereafter William Hanna, of Bracken county, shall be exempt from the county levy and all county charges and county road tax in said county.

Approved January 19, 1856.

CHAPTER 38.

AN ACT for the benefit of Moseby Stratton, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for William M. Coffee, guardian of Moseby Stratton, of the county of Ballard, to pay or deliver over to the said Moseby Stratton, any money or property in his hands as guardian as aforesaid; and upon the receipt of any money or property so paid or delivered to him, it shall and may be lawful for the said Moseby Stratton to execute and deliver to the said William M. Coffee, as guardian as aforesaid, a receipt for the same, which receipt, when so executed and delivered shall be as binding and obligatory upon him the said Moseby Stratton as if executed by him when of full age.

§ 2. This act shall take effect from its passage.

Approved January 19, 1856.

CHAPTER 40.

AN ACT for the benefit of William B. White, late Sheriff of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years from and after the

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passage of this act be allowed William B. White, late Sheriff of Whitley county, together with his deputies, to collect his unpaid lists of taxes and fees for the years 1853 and 1854, liable however to the penalties of existing laws for any illegal procedure.

Approved January 21, 1856.

Body corporate.

Capital stock.

How to be managed.

Annual election.

President to be appointed.

CHAPTER 41.

AN ACT to incorporate the Washington Insurance Company, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be and they are hereby constituted and made a body politic and corporate, by the name and style of the "Washington Insurance Company;" and the office of said company shall be located in the city of Louisville.

§ 2. That the capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and there shall be paid into the treasury of said company, by each subscriber to the capital stock, at the time of subscription, an installment of ten per cent on the stock by him subscribed, and the remainder shall be paid or amply secured to be paid in such securities as the President and Directors may deem sufficient; and that the said company shall not commence business until one hundred thousand dollars shall be paid in or secured to be paid in as aforesaid.

§ 3. That the stock, property, and affairs of said corporation shall be managed and conducted by nine Directors, who may respectively hold their offices for one year, and until others are chosen in their stead. The annual election for directors shall be held on the second Monday in January, in each year, at the office of the company, notice of which shall be given in one or more of the papers published in Louisville, at least ten days previous to said election. Such election shall be held under the direction of three stockholders, to be appointed by the Directors, and shall be by ballot, and by a plurality of votes of the stockholders and their proxies, allowing one vote for every share of the stock; and no person shall be a Director who does not own ten shares of the stock, and is not a resident of the city of Louisville or county of Jefferson.

§ 4. That it shall be the duty of the Directors on organizing the company, and annually thereafter, to choose out of their number a President; and in case of death or removal from the county, of the President or any Director, the remaining Directors shall elect some person to fill the vacancy for the residue of the year.

§ 5. That T. Y. Brent, E. Boyle Owsley, D. W. Davies, R. Atkinson, B. P. Scally, W. Mitchell, W. Jarvis, and E. Webb, be commissioners to receive subscriptions to the capital stock of said company; and as soon as one thousand shares or more of said stock shall be subscribed, the commissioners shall call a meeting of the stockholders by an advertisement published at least five days previously in one or more of the daily papers published in Louisville, stating the time and place at which such meetings of the stockholders shall be held; and they shall by ballot elect the first Directors of said company. Said commissioners shall appoint three inspectors, being stockholders, of said election; but it is provided nevertheless, that if there should be any deaths or resignations among the commissioners above appointed, then the remainder shall select others to supply the vacancies so occasioned. The Directors thus elected shall continue in office until the next annual election, as hereinbefore appointed, and until their successors shall be elected.

1856.
Commissioners' names.

Inspectors to be appointed.

Term of office.

May make insurance on vessels, freight, &c.

Half yearly statements to be made.

May hold real estate.

Corporate powers.

§ 6. That the said company shall have power to make insurance upon vessels, freights, goods, wares, and merchandise, and to make all and every insurance connected with marine risks, and the risks of transportation and inland navigation; to make insurance upon stores, dwelling houses, and all kind of buildings, and upon household furniture, merchandise, and other property, against loss or damage by fire; and said company shall be and are authorized to make insurance on lives, and to contract for, sell, and grant annuities, and make all contracts in which the casualties of life are involved, and to cause themselves to be re-insured when deemed expedient.

§ 7. On the second Monday in July, and on the second Monday in January, in each year, half-yearly statements shall be made of the situation of the capital, and of the state of the accounts of the company, and exhibited to the stockholders, when such a dividend of the profits shall be made as a majority of the Directors shall decide; but in no case shall the capital stock paid in be diminished.

§ 8. That it shall and may be lawful for the said company to take and hold real estate, and to sell or exchange the same. They may loan their money upon public or private securities, but shall in no case exercise the business of banking, by issuing notes as an incorporated bank.

§ 9. That the said company shall continue until the 31st day of December, 1906, and by their name, "Washington Insurance Company," are made capable in law to have, purchase, or receive, possess, enjoy and retain to them and their successors, goods, chattles, public or private securities of any kind, not exceeding the amount of the capital before named, and to sell and dispose of the same at any

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time and in any manner, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record or in any other place whatsoever; also to make and use a common seal, and the same to break, alter, or renew at pleasure; also to ordain, establish, and put in execution such by-laws as may be convenient for the government of said corporation, not contrary to law, and may repeal, alter, or amend the same.

President and
Directors to ap-
point agents &c.

Quorum.

Certificates of
stock.

Securities to
be examined.

Shares may be
forfeited.

§ 10. That the President and Directors for the time being shall have power to appoint such officers and agents under them as shall be necessary for executing the business of said company, and to allow such compensation as may be agreed upon, and to require and take bond and security for the discharge of their respective duties and trusts; and the President and Directors shall make by-laws and ordinances to govern the corporation, and may repeal, alter, or amend them; but they shall not alter or repeal any by-law passed by the shareholders; and the President and four Directors shall constitute a quorum for the transaction of business, or five Directors without a President, one of whom shall be chosen President for the time being.

§ 11. The form of certificates of stock and the manner of transferring such certificates shall be prescribed by the President and Directors: and a lien is hereby created in favor of the corporation, on the stock of each shareholder, for any claim that the company may have for the unpaid part of his shares or debts due or owing to said company; and it shall be the duty of the Directors, at least once in each year, or oftener if they deem it necessary, to examine all notes given by the shareholders in said company for the balance due on account of stock; and should a majority of the Directors be of opinion that the surety or sureties of any note is not good, they shall give notice to such shareholders that a new note or notes, with additional or other security or sureties, is required. Should such surety or sureties not be given within thirty days, it shall be the duty of the said Directors, and they are hereby authorized to advertise such share or shares of stock for sale in one or more newspapers published in the city of Louisville, for the space of thirty days, and sell such share or shares of stock to the highest bidder, for cash, for such part of said stock as has been paid in cash, with good security or sureties; and on the payment of the cash and the execution of the notes with satisfactory sureties, for the residue due on such shares of stock, it shall be the duty of the President or Secretary of said company to issue to the purchaser a certificate or certificates of stock in place of those held by the former owner; and on presentation and surrender of the former certifi-

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cate or certificates of stock, the President and Directors shall pay over to the holder the cash for which such share or shares were sold, first deducting the cost and charges of sale and any debt due the company by said shareholder.

§ 12. That should any election directed to be held under the charter of the said company from any cause be neglected to be held on the day designated, or be held on a subsequent day, the corporation shall not on that account be dissolved, but any or all elections held in good faith shall be valid as if held on the day designated in the act of incorporation.

§ 13. Every writ may be served on the corporation by executing the same on the President or Secretary, which shall authorize a judgment by default if the corporation fail to appear.

§ 14. All policies of insurance, or other contracts authorized by this act, which shall be made and entered into by said corporation, may be with or without the seal thereof, and shall be subscribed by the President and attested by the Secretary; and being so signed and executed and attested, shall be binding and obligatory upon the said corporation according to the true intent and meaning of said policies and contracts; and all such policies and contracts may be so made, signed, and executed and attested without the presence of the Board of Directors.

§ 15. In no case shall this corporation exercise the business of banking, by issuing notes as an incorporated bank.

Corporation
not to be dis-
solved if elec-
tion is not held.

Service of pro-
cess on presi-
dent sufficient.

§ 16. This corporation shall not make or establish an agency or agencies as under-writers, except within this Commonwealth, and not then unless with the unanimous vote of the President and Directors of said corporation.

Not to exer-
cise the business
of banking.

§ 17. This act shall take effect from and after its passage, but the General Assembly reserves the right to repeal, alter, or amend the same at pleasure.

Agencies not
to be establish-
ed out of this
State.

Approved January 21, 1856.

CHAPTER 42.

AN ACT for the benefit of the sureties of Charles Quiery, late Sheriff of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sureties of Charles Quiery, deceased, late Sheriff of Jefferson county, be and they are hereby allowed until the first day of June, 1856, to pay the balance of the revenue due from Jefferson county for the year 1854: *Provided*, That nothing in this act contained shall release

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them from the payment of any interest or damages for which they are or may be bound, or from any liability on their bond.

Approved, January 21, 1856.

CHAPTER 45.

AN ACT to legalize the subscription of the Garrard County Court to the Danville, Dix River, and Lancaster Turnpike road.

WHEREAS, The County Court for Garrard county, by its order at October term, 1855, subscribed the sum of twenty-five hundred dollars to the Danville, Dix River, and Lancaster Turnpike road Company; In order, therefore, to make valid said subscription,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the subscription of stock to the said road, made by order of said court, be and the same is hereby legalized and made valid, and said court is hereby authorized to make such orders from time to time as may be necessary to carry into effect the said subscription so made. This act to take effect from its passage.

Approved January 21, 1856.

CHAPTER 46.

AN ACT to amend an act, entitled, "an act to authorize the town of Paducah to subscribe stock in certain railroads," approved January 7th, 1852, and an act entitled, "an act to authorize the county of McCracken to subscribe stock in certain railroads," approved January 7, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the land or lots owned by any person or persons living in the town of Paducah, Jersey City or in the county of McCracken, may be sold by the Collector of railroad tax, to pay any such tax that may be due by the owner or owners of any such land or lots; in making sale of any such land or lots the collector shall sell the same, or so much thereof as will pay said tax due and the costs of the sale, for cash; and the time and place of sale shall be advertised by the collector at least twenty days, and also by the insertion in some newspaper printed in said town.

§ 2. The sale of any land or lots made under this act shall be at the Court house door in Paducah, on some court day; and the owner or owners of any land or lots sold may redeem the same by paying to the purchaser the amount of the sale money, with interest from the day of sale, at the rate of twenty per centum per

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annum, at any time within one year from the time of sale, and infants and feme coverts may redeem at any time within three years after such infancy or coverture shall cease. On the failure to redeem such land or lots so sold, within the time herein provided, the collector who made the sale, or his successor, shall convey the property sold, to the purchaser or purchasers, by deed, and such deed shall vest in the purchaser or purchasers all the right and title of any such person or persons so failing to redeem the same.

§ 3. That if any person or persons fail or refuse to list his taxable property for railroad purposes with the assessor, he or she shall be reported to the County Court, and the same proceedings had as in similar cases under the revenue laws.

§ 4. This act shall take effect from its passage.

Approved January 21, 1856.

CHAPTER 47.

AN ACT for the benefit of Thomas Lendrum, late Sheriff of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time, until the 1st day of January, 1858, be allowed Thomas Lendrum, late Sheriff of Daviess county, to collect and distrain for his uncollected fees and taxes due for the years 1852, 1853, 1854, and 1855: Provided, said Lendrum shall be liable to all the penalties imposed by law for the wrongful issuing or collecting of improper fees or taxes.

§ 2. This act shall take effect from and after its passage.

Approved January 21, 1856.

CHAPTER 48.

AN ACT to amend the 6th section of an act incorporating the Danville, Dix river, and Lancaster Turnpike Road Company.

WHEREAS, by the charter incorporating the Danville, Dix river, and Lancaster Turnpike Road Company, it is provided by section 6th of said act that no person who is not a resident of Boyle or Garrard counties, and a stockholder shall be eligible as President, Director, or Treasurer of said road company; and whereas, said company, by inadvertance made choice of their President and two Directors from the county of Lincoln, and the company has proceeded to organize under said election: In order, therefore, to make valid said election,

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Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the election of said President and the two Directors chosen from the county of Lincoln, be and the same is hereby legalized and made valid, and all the acts of said board heretofore done and performed, or that may be hereafter by them be done and performed, that are consistent with the provisions of the charter of said company, shall be as binding and obligatory as if said President and Directors so chosen from the county of Lincoln had been chosen from the county of Boyle or Garrard and all future elections of President and Directors shall not be confined to the counties of Boyle and Garrard, but may extend also to the county of Lincoln. This act to take effect from its passage.

Approved January 21, 1856.

CHAPTER 49.

AN ACT to amend the charter of Bacon College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Christian Education Society of Kentucky shall have the power and right, at its annual meeting in 1856, to elect sixteen persons Trustees of Bacon College, said sixteen persons to be divided into classes of four, each one class to retire from the board annually, or upon the election of their successors, and five members to constitute a quorum of said board: *Provided*, That before said society shall thus proceed, they shall obtain the consent of the present board of the Trustees of said College.

§ 2. That the Trustees of Bacon College so elected shall take charge of the funds of said College, and require their Treasurer to give bond in twice the amount of money placed in his hands, payable to themselves.

§ 3. It shall be the duty of the Board of Trustees to report annually to the "Christian Education Society" of Kentucky the condition of said College.

Approved January 21, 1856.

CHAPTER 50.

AN ACT to amend the charter of the Greenville Institute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John B. Bowman, A. H. Bowman, B. Magoffin, J. M. McCann, P. B. Thompson, A. G. Vivion, and Samuel G. Mullins, Principal of said institute, shall constitute the

Board of Trustees of said institute: *Provided*, The principal of said institute shall be *ex officio* chairman of the Board of Trustees.

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Approved January 21, 1856.

CHAPTER 51.

AN ACT for the benefit of Reuben Smith, of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Reuben Smith, of Barren county, be and he is hereby authorized and permitted to change the State Road leading from Lexington to Bowlinggreen, so as to include a pond, near his house, inside of his field: *Provided*, Such change shall not result to the inconvenience of the traveling public or the neighborhood.

Approved January 21, 1856.

CHAPTER 52.

AN ACT for the benefit of Ambrose O'Bannon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ambrose O'Bannon be and he is hereby authorized to stop up a street and alley in the town of New Castle, in Henry county—the street is the one being west of S. S. Sumner's lots, running up to said O'Bannon's gate; the alley commencing at said gate running to the Madison road—the street dividing the land of S. S. Sumner and the said O'Bannon, and the alley also, until it reaches the street at the lot of the old Methodist church.

§ 2. This act to take effect from its passage.

Approved January 21, 1856.

CHAPTER 53.

AN ACT to amend an act incorporating the Frankfort, Georgetown and Paris Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act incorporating the Frankfort, Georgetown and Paris Turnpike Road Company, approved 28th February, 1835, be repealed, as to so much thereof as authorizes the Board of Internal Improvement for Scott county to build a turnpike road over the ground covered by the charter of the Georgetown and Paris Turnpike Road Company, approved March 13th, 1847, and that said Board be

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authorized to abandon so much of the turnpike road as they may have constructed east of Georgetown; and that their President is hereby authorized to convey, by deed, to the County Court of Scott county, the road constructed by them east of Georgetown: *Provided*, That the said turnpike road company shall perform any obligations they may have incurred to the Scott County Court by reason of the subscription heretofore made by said court to the capital stock of said company.

Approved January 25, 1856.

CHAPTER 54.

AN ACT for the benefit of Hiram Keath, of Pulaski county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Cyrenius Smith, Francis Ann Smith, Hiram Smith, and Hetty Argenus Smith, children of Hiram Keath and Mary his wife, (late Mary Smith,) of Pulaski county, be and they are hereby made legitimate, and declared to have all the rights, privileges, and immunities under the laws of descent and inheritance, that they and each of them would have had, if they and each of them had been born in lawful wedlock of the said Hiram Keath and Mary his wife.

Approved January 25, 1856.

CHAPTER 55.

AN ACT for the benefit of Joshua Oaks.

WHEREAS, It is represented to this General Assembly, that the ferry across the Ohio river, from Greenupsburg, Kentucky, which was granted, many years since, to Major John C. Kouns, was leased by him for ninety-nine years, to Joshua Oaks, of Scioto county, Ohio, and before the Revised Statutes took effect; and whereas, it is further represented that said Oaks owns, by the laws of Ohio, the ~~ferry right from the Ohio side to the Kentucky shore at~~ Greenupsburg; and that he owns property—houses in which he lives—and which are connected with his ~~ferry right~~ granted by the State of Ohio, and that he cannot sell the said property without selling the ~~ferry right~~, granted by the State of Ohio; and by the laws of said State no person can have privilege to ferry from the Ohio shore unless he is a resident of the State of Ohio; and whereas, also, the laws of Kentucky prohibit any ferry privileges being granted unless the grantee is a resident of Kentucky; and it is further represented that the division of the two privi-

leges of ferrying would end in the destruction or greatly impair the facility of crossing the Ohio river, and would be greatly to the loss, hinderance, and detriment of the traveling public, and especially to the people of Greenup county: For remedy,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Joshua Oaks may still retain the lease of said ferry privilege for the term of said lease, although he now does or may continue to reside in Ohio, any law to the contrary, notwithstanding: *Provided*, That when he may forfeit or dispose of or surrender up his said ferry right granted by the State of Ohio, the privilege granted to him by this act shall cease.

§ 2. Before this act shall have any force in favor of said Oaks, he shall annually at the March term of the Greenup County Court, enter into a covenant to the Commonwealth of Kentucky, with one or more sureties, to be approved by said court, and to be worth at least five thousand dollars, conditioned that there shall no slaves be conveyed in any boat or other craft belonging to or used by him for said ferry, unless they shall have written permission from the owner of such slaves or slave, or from those who may have the custody and control of them, or unless the owner or such person having the custody and control of said slave or slaves be present or with said slaves, and give permission to convey the same.

§ 3. Said Oaks shall annually, at the same time as above, execute, with resident security, the other bond required by law; and any person who may be damaged by any acts of said Oaks, in the conduct of said ferry, may maintain a suit or suits upon said covenants for each time they or either of them may be broken; and the sureties in each of said covenants, shall remain bound for his acts as ferryman until a new one—which is required to be given annually—is executed and approved by said court. In all other respects said ferry right shall be governed by the laws now in force.

§ 4. That so soon as said Oaks shall sell or lease the said ferry privileges to any other person, except a resident of Kentucky, he shall forfeit all rights and privileges herein granted to him.

Ferry privilege on the Ohio river.

Covenant.

Bond.

Forfeiture.

Approved January 25, 1856.

CHAPTER 55.

AN ACT for the benefit of James Taylor, of Hardinsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James Taylor, the owner of a horse-mill and card-

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ing machine in the town of Hardinsburg, in Breckinridge county, be and he is hereby permitted to let his hogs run at large at his said mill and carding machine, and in said town, as other citizens therein do, without incurring the penalty now prescribed by law against the owners of mills in certain cases.

Approved January 25, 1856.

CHAPTER 58.

AN ACT for the benefit of Mrs. Margaret Leavy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the southern boundary of the town of South Frankfort is hereby changed so as to exclude the residence of Mrs. Margaret Leavy and the land she owns, thereto attached, from said town.

Approved January 25, 1856.

CHAPTER 59.

AN ACT to incorporate the Wolf Hill Coal and Mining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Andrew Rankin, J. R. Barbour & Co., John F. Hunter, Jr., James L. Johnson, George N. McKay, George H. Yeaman, S. M. Wing, James Weir, F. M. Pearl, W. B. Pegram, Josiah Veech, P. H. Messmore, I. H. Kellar, John W. Compton, W. B. Tyler, James Anderson, Daniel M. Griffith, and Thomas H. Pointer, or any five of them, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, in perpetuity, by the name and style of the Wolf Hill Coal and Mining Company, with power to contract and be contracted with, sue and be sued, plead and be impleaded by that name in all courts and places; to have and use a common seal, and alter the same at pleasure; to engage in the mining, manufacture, transportation, and sale of coal, ores, iron, stone, lime, sand, glass, timber, lumber, and other products of land now owned or leased or hereafter to be owned or leased by them; to make rules and by-laws for the regulation and management of said company, not inconsistent with the laws of Kentucky or the United States; to have all the powers needful for the successful prosecution of their business, and for the execution of the powers herein granted, and generally to do and to execute whatever shall pertain to such bodies politic.

Corporate
names.

Corporate
name, purposes
and powers.

§ 2. That said company shall have the right to hold, by purchase or lease, any and all such lands, tenements, coal rights, ore rights, mining rights and appurtenances, rights of way, real, mixed, and personal property, not to exceed \$500,000 in value, as they may deem necessary for the well being and advantage of said company, and the same or any part thereof to use, sell, lease, let or otherwise dispose of as the Directors or company may from time to time see proper.

§ 3. That the capital stock of said company shall be \$500,000, divided into shares of fifty dollars each, to be subscribed and paid for by individuals or corporations, in such manner and at such times and places as may be fixed by the by-laws of said company.

§ 4. That the corporators named in this act, or any five of them, shall have power to organize said company by the appointment of a President, Treasurer, Secretary, a board of five Directors, to control and manage the business of the company according to the rules and by-laws of the same, and such other officers as they may deem necessary, at such time and place as they may designate by notice previously given; and thereafter the said officers and Directors shall be elected annually by the stockholders of said company, at such times and places and in such manner as the by-laws may direct.

§ 5. In the election of officers and Directors of the company, each stockholder shall have one vote for each share of stock which he holds in the company; and the by-laws may prescribe the manner of filling vacancies in case of death, resignation, or failure to elect at the time appointed; and the Treasurer and Secretary may be removed at any time by the Board of Directors.

§ 6. Certificates of stock shall be issued as the by-laws may direct; and the stock shall be personal estate, and shall be assignable, and when assigned shall be transferred on the books of the company.

§ 7. The said company shall cause a book to be opened and kept, subject at all times to the inspection of any member of said company, which shall contain the names of all the members, and the estimated shares of stock each member may own; and each member shall share the profits and be liable for the losses of said company, to the extent of and in proportion to the amount of his capital stock in said company.

§ 8. That the President and Directors shall have the power, from time to time and at all times, to borrow such sums of money and upon such terms as they may deem expedient, for the use of said company, and to pledge or mortgage all or any part of the estate, improvements, privileges and effects whatsoever of the company for the repayment of such sums of money so borrowed, at such

1856.

Capital stock.

Officers.

Election of officers.

Opening of books.

May borrow money.

1856.

Officers to give bond.

Repealing right reserved.

times as may be agreed upon; but nothing in this act shall be construed to confer banking privileges.

§ 9. The President and Directors may take from any officers of the company bonds with sufficient surety, conditioned for the faithful performance of their duties as prescribed by this act or the by-laws of this company, upon which bonds recovery may be had by any person or corporation injured by a breach of the conditions thereof, in any court of competent jurisdiction.

§ 10. This act shall go into effect immediately from and after its passage and approval by the Governor, provided that the General Assembly shall have the power (herein reserved,) at any time to alter, amend, or repeal this act.

Approved January 25, 1856.

President of the Board of Trustees.

Powers of the Trustees.

Listing property.

Tax lists.

CHAPTER 60.

AN ACT to amend an act, entitled, an act to regulate the town of Falmouth, in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the passage of this act, the President of the Board of Trustees of the town of Falmouth, in Pendleton county, be and he is hereby invested, in all cases civil and criminal, with jurisdiction concurrent with that given to the Justices of the Peace in this Commonwealth, and that he have power to issue writs and other process, and do all other acts which Justices of the Peace are authorized by law to do.

§ 2. That the Trustees of said town shall have power to assess and collect taxes on such real estate, in said town, as they may designate, not exceeding forty cents on each one hundred dollars worth of property, for revenue purposes: *Provided*, That the buildings for churches, public school houses, and the grounds attached thereto and dedicated solely for the use thereof, shall be exempt from taxation. They shall take in and make a list of all taxable inhabitants, within said town, and affix against the name of each inhabitant the amount of his, her, or their real estate in said town, with a proper description by number or situation, and also the true and just value of such real estate; which list may be required to be made by the party, verified by his or her oath, or if the party refuse to give in a list, and swear to the same, the value shall be assessed by the Assessor, from the best information he may possess.

§ 3. The books of assessment for the revenue taxes of said town shall hereafter be returned to the Trustees by the Assessor on or before the 15th day of March in each year; and immediately after said assessment shall be re-

ceived and approved by the Board, the Town Clerk shall make out a tax bill against each person assessed with taxes, specifying therein each item of taxation, the value thereof, and the tax imposed ; and when taxes are levied upon property belonging to persons unknown, then a bill shall be made out and signed by the Clerk officially, and delivered by him to the Town Treasurer, within thirty days after the same are ordered to be made out by the said Board, taking a receipt from the Treasurer for the gross amount of taxes contained in said bills. The Treasurer, on receiving such bills, shall give public notice, by advertising in three public places in said town, that the tax bills for the taxes of the current year are in his hands, and that payment of the taxes is required to be made on or before the 1st of June thereafter—after which period there shall be added fifteen per centum to the taxes contained in the tax bills then unpaid. The Treasurer shall deliver the tax bill to the person paying the tax, indorsing thereon, "received payment," and sign his name officially to the receipt. Within five days after the said 1st day of June, the Treasurer shall indorse the remaining tax bills, if any, in his hands, "Delinquent," sign his name as aforesaid, and return them to the Town Clerk, who shall thereupon enter a credit for the same upon the Treasurer's receipt, and add to said tax bills fifteen per centum, and place the same into the hands of the Collector for the town for collection, taking a receipt for the amount thereof. Upon the reception of said bills, the Collector shall forthwith proceed to the collection of the said taxes from the person or persons owing the same ; and for that purpose he is hereby authorized to sell the real estate of the delinquent, in the manner that Sheriffs are authorized to do, in advertising and selling real estate by virtue of an execution—except that there shall be no valuation—and the estate shall be sold at the court house door in said town ; and in six days thereafter the Collector shall make a full return of said sale, specifying the same therein in a book, in which the sales are recorded. The Collector or his successor shall make the deed to the purchaser of any real estate sold for the taxes, which shall pass the title, unless the same shall have been redeemed ; for such deed he shall be allowed one dollar, to be paid by the purchaser. For the collection of taxes the Collector shall be allowed seven per centum, to be paid by the town, and twenty-five cents for each certificate of sale of real estate ; both fees to be taxed as costs, and added to the tax bills. For insuring the payment of the taxes of said town, a lien shall exist and is hereby given upon all real property assessed, from the 1st day of January, in each year, until payment thereof—which shall not be invalidated or affected by subsequent incumbrances, transfers, or sales.

Delinquents.

1856.

§ 4. It shall be the duty of the collector to pay over the taxes as fast as collected, to the Treasurer, and to make a full return of said taxes to, and settlement thereof with the Board of Trustees on or before the first Monday in August in each year—he shall make out a list of such persons and property, from whom he finds, after due efforts that he cannot collect said taxes, and return the same upon oath to the Board of Trustees, which shall exempt him from all liability for failing to collect the same, with a description of the property, the names of the owners, when known, and purchasers, the amount sold, and the time when sold, together with a copy of the advertisement, to the Clerk of said Board of Trustees, who shall record the same in a book kept for that purpose, and file away and carefully preserve the said proceedings among the papers of his office. The owners shall have the right to redeem the real estate which may be thus sold by the collector, at any time within three years, by paying or tendering to the purchaser the amount of the purchase money, together with all taxes and levies subsequently levied thereon, and fifty per centum upon the amount thereof; and when the purchaser shall not be a resident of said town, or cannot be found, it shall be lawful for the Treasurer of said board to receive the money, for which the estate proposed to be redeemed was sold, adding the per cent. assessed thereon, which shall be as effectual in redeeming the property as if it had been paid to the purchaser. Upon the production of the certificate of sale by the purchaser or his assigns, the Treasurer shall pay over the said money to him, taking a receipt for the same, which shall be handed over to the Clerk of said Board of Trustees, to be recorded in the book above mentioned: *Provided*, Said delinquent list shall be made out by him and returned after the fifteenth July, and before the said first Monday in August.

Liability of tax collector.

§ 5. If the Collector shall fail to make returns and settlement as aforesaid, of all the taxes which are in his hands, on or before the said first Monday in August, he and his sureties shall be liable severally as well as jointly to judgment in any court having jurisdiction, for the amount of taxes in said bills contained, which shall not have been paid over to the Treasurer, and is unaccounted for to the Board of Trustees, together with ten per centum damages thereon. The execution shall be endorsed "no security of any kind to be taken," and the Sheriff shall be governed accordingly. There shall be no valuation of the property levied upon by said execution, such as is now provided by law in other cases.

§ 6. It shall be lawful for the Board of Trustees to place the delinquent list or tax bills, from time to time in the hands of the Collector, until they shall be collected, and

the right of distress shall remain, if the same lists or tax bills are sent out once in each year; and the Collector shall be liable for failing to collect and account for delinquent lists or bills, in like manner as for original tax bills placed in his hands for collection.

1856.

Approved January 25, 1856.

CHAPTER 62.

AN ACT to amend the charter of the Louisville and Memphis Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fifth section of the act incorporating the Louisville and Memphis Railroad Company, approved March 1st, 1854, be so amended as to require the subscription of five hundred shares of the capital stock of said company, instead of three thousand shares before the Commissioners may close the books, and call a general meeting of the subscribers for the election of Directors, as required by that section.

§ 2. That the Legislature hereby reserves the right to amend or repeal this act. This act to take effect from its passage.

Approved January 25, 1856.

CHAPTER 63.

AN ACT for the benefit of Johnson A. Dawson, late Sheriff of Powell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be and he is hereby directed to issue his warrant upon the Treasurer in favor of Johnson A. Dawson, late Sheriff of Powell county, for the sum of ninety-one dollars.

Approved January 25, 1856.

CHAPTER 64.

AN ACT to render effectual the Road-law in Pendleton county.

WHEREAS, On the first day of March, 1854, an act of the General Assembly of the Commonwealth of Kentucky, entitled, "an act to improve the roads in Pendleton county," was approved, and by its provisions it was not to be carried into effect until it should have been voted for by a majority of the votes cast at a regular August

1856.

election in said county; and at the August election in the year 1855, it was so voted for, and a large majority of the votes of said county having been declared in favor of said act: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Pendleton county be and it is hereby authorized to proceed to levy the tax provided for, in the first and second sections of said act, according to the provisions thereof; and the said act is hereby declared effectual and in full force; and that this act take effect from its passage.

Approved January 25, 1856.

CHAPTER 65.

AN ACT to amend the charter of the Protestant Episcopal Orphan Asylum, of the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Managers of the Protestant Episcopal Orphan Asylum, in the city of Louisville, may bind out to such fit and discreet persons as they may choose, any of the children who are or may be in charge of said Managers in said Asylum, and may also exact and require of the master, other covenants, beneficial to the child, in addition to those prescribed by law; the apprenticeship to terminate at the lawful age, or previously, as may be agreed on and expressed in the indentures, which shall be acknowledged and recorded in the Clerk's office of the Jefferson County Court.

Approved January 25, 1856.

CHAPTER 66.

AN ACT to incorporate Allen Lodge Masonic Female College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name

§ 1. That Carey A. Snoddy, Charles P. Edmunds, Wm. W. Drane, Wm. M. Wilson, John C. Smith, Wm. R. McFerran, John Montague, James Depp, James F. Keel, Geo. T. Wood, John M. S. McCorkle, Isaac Newton, A. S. Walker, and Wm. Maxey, be and they are hereby incorporated under the name and style of "the Trustees of the Allen Lodge Masonic Female College," located in the town of Glasgow, Barren county, and by that name they and their successors in office shall have perpetual succession and a common seal, and may sue and be sued, plead and be im-

pleaded in any court of law or in equity in this Commonwealth.

1856.

Term of office.

§ 2. That said Trustees shall hold their offices until the 27th day of December, 1856, and until their successors in office are duly appointed; that the successors of said Trustees, and their successors, shall be appointed by Allen Lodge, No. 24, at their regular meetings on the 27th day of December every year: *Provided*, That five of said Trustees shall be members of Allen Lodge, No. 24.

§ 3. That said Trustees, in their corporate capacity, and their successors in office, are hereby vested with full power and authority to receive by deed or devise, or in any other manner, any money or property, either real or personal, and the same to hold or dispose of for the use of said Female College: *Provided*, That the real estate so held at any time shall not exceed one hundred thousand dollars: *and provided further*, that such bequests or donations shall be held or used in such manner as may be directed by the devisor or donor.

Trustees pow-
ers.

§ 4. That the Board of Trustees shall have power to pass such by-laws for their government, and for the government of said college, as to them may seem right and proper, not inconsistent with this act, the constitution and laws of the Commonwealth and the United States, and may alter or amend the same from time to time as the interest of said college may require. They shall have power to employ competent professors or teachers for said college, and remove the said professors or teachers when in their opinion the interest of the college shall require it: *Provided*, That a majority of said Trustees shall concur in making or amending said by-laws, employing professors and teachers, and in removing the same.

By-laws, &c.

Powers of
trustees.

§ 5. The Trustees shall elect a chairman from their own body, who shall preside over the deliberations of the Board, decide points of order, and in case of a tie on any question, shall give the casting vote.

Powers of the
chairman.

§ 6. The chairman shall have power to call a meeting of the Board, when in his opinion the interest of the Board shall require it. Any two members of the Board may call a meeting of the Board, and in the absence of the chairman, or upon his failure to attend to the interest of the college.

How meetings
to be called.

§ 7. The Board of Trustees shall keep a fair record of their proceedings, subject to the inspection of Allen Lodge, No. 24, or of a committee appointed by said lodge, and shall report to said lodge at their meetings for the appointment of Trustees every year.

Proceedings
to be recorded.Literary hon-
ors to be granted

§ 8. That the said Trustees shall have power to confer literary honors, degrees, and diplomas upon the graduates of the college as in the opinion of the professors shall be deserving, as well as upon other persons.

1856.

How many a quorum.

§ 9. That the Trustees in office shall have power to fill all vacancies in the Board until the next yearly appointment after such vacancy shall occur. Five members of the Board, the chairman being one of them, shall be a quorum to do all business, except such business as by this act a majority of them is required to concur therein.

Approved January 25, 1856.

CHAPTER 67.

AN ACT to amend the charter of the city of Smithland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter, and all acts amendatory thereto, of the town of Smithland as divides said town into two wards, or authorizes the same to be done, be and the same are hereby repealed; and that hereafter the said town shall be governed and controlled by Trustees to be elected under the general laws and said town charter.

§ 2. That the present Trustees elected for both of said wards be and they are continued in office as such Trustees of said town, constituting one body, shall remain in office until the next annual election of Trustees for said town as fixed in said charter, with all the authority hitherto possessed by the boards of the separate wards, and the joint boards when acting as such.

§ 3. That all the moneys arising from fines, forfeitures, and taxes in the hands of the Trustees of the former wards or their Treasurers, and all that may be due or owing to them, be and the same is hereby placed under the control of the said Trustees for the said town; and that all contracts heretofore made by the Trustees of said wards be faithfully fulfilled by the said Trustees of the said town.

§ 4. This act to take effect from its passage.

Approved January 25, 1856.

Fines, &c.

CHAPTER 68.

AN ACT for the benefit of John Moore, Jailer of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the Treasurer in favor of John Moore, Jailer of Green county, for the sum of seventy-five dollars, which is hereby allowed him, as the balance of the compensation for keeping Ephraim

Lane, a pauper lunatic of said county, under the order of the Green County Court, until he was removed to the Lunatic Asylum at Hopkinsville; to be paid out of any money in the Treasury, not otherwise appropriated.

1856.

Approved January 25, 1856.

CHAPTER 69.

AN ACT for the benefit of the Shelbyville and Louisville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of one year from and after the first day of February, 1857, and until the first day of February, 1858, is given to said company for the completion of its branch road in Jefferson county.

Approved January 21, 1856.

CHAPTER 70.

AN ACT to incorporate the Richmond and Big Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of making a McAdamized plank or gravel turnpike road, in all or in part of either material, from a point in Madison county, on the Lancaster and Richmond Turnpike road, about three miles and three quarters from Richmond, by way of Menelos, to the foot of the Big Hill, under the name and style of the Richmond and Big Hill Turnpike Road Company.

Corporate
name and pur-
poses.

§ 2. That the capital stock of said company shall be thirty-five thousand dollars, which shall be placed under the control of a board of Managers to be appointed in the manner hereinafter directed.

Capital stock.

§ 3. That books for the subscription of stock shall be opened, at any time after the passage of this act, at the town of Richmond, under the direction of William Harris, John A. Duncan, and William Holloway; at Menelos, under the direction of William Chenault, Durrett White, and Madison Todd; at the foot of the Big Hill, under the direction of Merit S. Jones, William H. White, and William Johnson; who are hereby appointed commissioners. The commissioners at each of the places shall procure one or more books, and in each of them enter as follows, viz: We whose names are hereunto subscribed, promise to pay to the board of Managers of the Richmond and

Opening books

Obligation

1856.

Big Hill Turnpike Road Company the sum of one hundred dollars for every share of stock set opposite our names, in such manner and proportion, and at such times as shall be determined on by said board, and agreeably to an act of the General Assembly incorporating said company. Witness our hands this — day of —, 185—. The books of subscription shall remain open until the whole capital stock shall be taken; any persons or corporations may subscribe at any time or place, in the presence of one of the commissioners.

Organization.

§ 4. When sixty shares of said stock shall have been taken, the commissioners shall give ten days notice in the Weekly Messenger, printed in Richmond, that the number of shares required for organization has been subscribed, and that a meeting of the stockholders will be held at such place as said commissioners shall designate in said notice, for the purpose of organizing a board of Managers for the construction of said road, by the acceptance of this charter, and the election of five managers, one of whom shall be President of the board, to be designated as such by the stockholders at the time of the election of said board, and also by the election of a Treasurer; at which election at least three of said commissioners shall be present; who shall take the vote of all the stockholders present by ballot, who shall have the right to vote in person or by proxy in writing, each stockholder having one vote for every share of stock he holds. The said board of Managers shall hold their offices for one year from the day of their election, and until others shall be duly elected and qualified.

Duration of term of office.

Corporate powers.

§ 5. To enable the board of Managers to carry out the objects of this charter, when organized as above provided, it shall be and is hereby declared a body politic and corporate, in deed and in law, by the name and style of the board of Managers of the Richmond and Big Hill Turnpike Road Company, and under that name and style shall have perpetual succession, and all the privileges, immunities, and franchises of a body corporate and politic, and shall be capable of taking and holding the said capital stock and the increase and profits thereof; and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper to carry out the intent of this act; and of purchasing and holding to them and their successors in office, and also of selling, transferring, and conveying in fee simple all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to the prosecution of their work; of suing and being sued, of pleading and being impleaded, of defending and being defended in all courts of law or equity, and in all places whatever; also to have and to use a common seal, and the same to alter and re-

new at pleasure; and to make all such by-laws, not inconsistent with the constitution and laws of the State or the United States, as may be necessary for the government of the affairs of said board; and do all and every other act and thing which a turnpike corporation may lawfully do.

§ 6. That the County Court of Madison is hereby authorized and empowered (for itself) to authorize its Clerk to subscribe for as many shares of stock in said company as private individuals, partnerships, and corporations may subscribe, which subscription, when made, shall be binding on said county.

§ 7. The board of Managers may fix the width of their road, not less than thirty-five feet in the whole, and the part to be covered with stone, plank, or gravel, not less than fourteen feet in width; and they shall keep a record of their proceedings, which shall at all times be open to the inspection of each and all the shareholders; may erect toll gates for each five miles of road completed, and collect the same rates of toll as the Richmond and Lexington Turnpike may lawfully do; and in acquiring the rights of way, stone quarries, lands for toll gates, and in every other respect, shall have and possess all the rights, privileges, powers and immunities of any other Turnpike Road Company in this State: *Provided*, That citizens of said county going to and from mill with grain, shall be exempted from tolls on said road.

Width of road.

§ 8. That this act shall take effect from its passage, and the right is hereby reserved to the Legislature to alter, amend, or repeal this act.

Right of way,
&c.

Approved January 28, 1856.

CHAPTER 71.

AN ACT to incorporate certain Turnpike Road Companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, for the purpose of constructing a macadamized, plank, or gravel turnpike road, in all or in part of either material, (and omitting either when the ground does not require it,) from the town of Irvine, in Estill county, to the town of Proctor, in Owsley county, under the name and style of the Irvine and Proctor Turnpike Road Company: and Harrison Moore, E. S. Cockeril, Elijah Herndon, Oliver Crawford, Anderson Harris, Anderson Hamilton, John G. McGuire, William Bridges, Albert Acres, and B. F. Phillips, are appointed commissioners to open books for the subscription of stock in said company.

Corporate
name and pur-
poses.

1856.

Corporate
name and pur-
poses.Corporate
name and pur-
poses.

Capital stock.

Powers and
privileges.

Tolls.

§ 2. A company is also hereby created for the purpose of constructing a plank, macadamized or gravel turnpike road, in all or in part of either material, (and omitting either when the ground does not require it,) from the town of Irvine, in Estill county, to intersect the line of the Lexington and Big Sandy Railroad, at some point between Winchester and Mount Sterling, under the name and style of the Estill and Clarke Turnpike Road Company ; and Isaac Mize, John Hoskins, Greenup Blanton, W. A. L. B. Sharp and John Kimbrel, of the county of Estill ; and Josiah A. Jackson, Henry G. Poston, Walter Goode, James H. G. Bush and William Keys, of the county of Clarke, are hereby appointed commissioners to open books for the subscription of stock in said company.

§ 3. And a company is also hereby created for the purpose of constructing a macadamized, plank, or gravel turnpike road, in all or in part of either material, (and omitting either when the ground may not require it,) from the town of Winchester, in Clarke county, by way of the mouth of Muddy creek, to Waco, in Madison county, under the name and style of the Winchester and Waco Turnpike Road Company ; and Andrew Hood, James Flannegan, Philip B. Hodgkin, Elisha Ryon and Francis F. Jackson, of the county of Clarke ; and David T. Chenault, P. A. Huffner, John Thornsburg, Hiram Douthitt and Jonah Griggs, of the county of Madison, are hereby appointed commissioners to open books for the subscription of stock in said company.

§ 4. The capital stock of each of said companies shall be fifty thousand dollars, to be placed under Boards of Managers to be appointed in a manner hereinafter directed; and the commissioners of each of said companies, hereinbefore named, shall open their books at such times and place as they may respectively designate, and shall proceed as prescribed in the charter of the Richmond and Irvine Turnpike Road Company.

§ 5. Each of said companies, and the several County Courts of the counties through which either of said roads pass, shall have all the powers, privileges, rights and immunities conferred by the charter of the Richmond and Irvine Turnpike Road Company.

§ 6. Any one or all of said companies, after being organized under this charter, may elect to construct a dirt turnpike between the points mentioned, or some part of it; on which event, they shall only be allowed to collect one half of the tolls allowed by the preceding section, for each five miles of road; but no part of the tolls, so collected, shall be divided among the stockholders until every part of the road which requires it is covered with stone,

gravel, or plank, of the width and depth fixed by the Board of Managers for the road.

1856.

§ 7. The General Assembly hereby reserves the right to amend, alter, or repeal this charter at any time.

Approved January 28, 1856.

CHAPTER 73.

AN ACT to amend an act, entitled, "an act to incorporate the Huston-tonville, Liberty, and Columbia Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of Casey county is hereby authorized to take stock in said road, and, to pay the same, may levy a tax on each one hundred dollars worth of property in said county subject to taxation as will be sufficient to pay the same; and that dividends arising from said stock taken by said court in said road, shall be appropriated to the aid of common schools in said county, and that each school district shall receive an equal share in said dividends.

Levying tax.

§ 2. That upon the petition of ten of the tax paying voters of said county, praying for a vote to be taken thereon by the qualified voters of said county, as to the propriety of levying said tax and taking said stock, the County Court shall make an order for the taking of the same at such time as it may direct, not earlier than sixty days after the making of said order, at such places and by such officers as are required by the regular elections in said county; and that the petition shall specify the amount of stock prayed to be taken by said court in said road.

Vote to be taken.

§ 3. That if a majority of the votes cast at said time of voting be in favor of said stock being taken, it shall be the duty of said court to take stock, to the amount specified in the petition, in said road.

Approved January 28, 1856.

CHAPTER 74.

AN ACT for the benefit of the sureties of Berry Scruggs, late Sheriff of Washington county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the sureties of Berry Scruggs, late Sheriff of Washington county, upon payment to the Treasurer on or before the first day of March next of the revenue tax of said county for the year 1854, as well as the interest there-

1856.

on, at the rate of six per cent. per annum from the time said revenue should have been paid into the Treasury, up to the time of payment, and all costs thereon, then said sureties shall be released from all damages, and shall receive a quietus from the Auditor of Public Accounts for the revenue of 1854, due from the Sheriff of Washington county.

Approved January 28, 1856.

CHAPTER 75.

AN ACT for the benefit of L. B. Wilson, late Sheriff of Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That L. B. Wilson, late Sheriff of Carroll county, be and he is hereby released from the payment of the twenty per cent. damages on the balance of the revenue due from him for the year 1854, it being satisfactorily shown that he has paid the full amount of said revenue, with interest and costs.

Approved January 28, 1856.

CHAPTER 76.

AN ACT to amend the charter of the Covington Fire, Life and Marine Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the name of the Covington Fire, Life and Marine Insurance Company be and the same is hereby changed to "the Covington Insurance Company," and under such name it shall enjoy perpetual succession; and all the rights heretofore granted to said company shall be enjoyed under the new name; and that the present Board of Directors and their successors shall have full and complete power, under the new name, to do everything necessary to carry on the said insurance company agreeably to the original charter of January 24, 1835, and the amendments thereto of February 21, 1837 and March 4, 1850; and this act shall take effect from its passage.

Approved January 28, 1856.

CHAPTER 77.

AN ACT to amend an act, entitled, "an act to incorporate the Flemingsburg and Poplar Plains Turnpike Road Company," approved February 3, 1848.

WHEREAS, There exists serious doubt as to the manner in which the capital stock of the Flemingsburg and Poplar Plains Turnpike Road Company should be voted in the elections of said company: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all the elections of said Flemingsburg and Poplar Plains Turnpike Road Company shall be regulated by the seventh section of an act, entitled, "an act to incorporate the Carlisle and Sharpsburg Turnpike Road Company," approved February 28, 1847. This act shall take effect from its passage.

Approved January 28, 1855.

CHAPTER 78.

AN ACT to authorize the Louisville and Frankfort Railroad Company to sell their bonds for certain purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the President and Directors of the Louisville and Frankfort Railroad Company, to issue and sell the bonds of said company, not exceeding in the aggregate five hundred thousand dollars. They may at their discretion, fix the form of the bonds, (but each bond shall state "that it is issued under the authority of this act,") the amounts of principal and interest to be paid, (the interest not to exceed six per cent. per annum payable half yearly,) the times and places of payment, and the terms on which they shall be negotiated, and may sell said bonds, or any of them, at such times and at such prices as they think proper, and may secure the payment thereof by a deed of trust on all or any part of the property and effects of the said company, which shall alike secure all the bonds authorized to be issued by this act, without regard to the date of their issue or sale, or time of their payment; with power to the trustees, without suit or decree, to sell for paying of any part of the debt in arrear, on such notice and terms as may be prescribed in said deed of trust; but the purchaser or purchasers under such sale, shall take the same, subject to the charter and amendments, and with the rights of the company. The said President and Directors may also contract with any person or corporation for a guarantee of such bonds or any part of them; and the guarantor shall have the benefit of the trust deed for his or their security or indemnity to the extent of his or their liability or

1856.

1856.

loss, in the same way that the bond holders shall be entitled by said deed of trust.

§ 2. The said company shall reserve out of its net profits annually such sum as will pay the interest on its debt, and provide a sinking fund sufficient for the redemption of the funded debt, within the periods at which it shall be payable, before any dividends are made on the capital stock of said company; and so much of the charter of said company, or its amendments, as requires annual dividends on the same, is hereby repealed; and at the discretion of the said President and Directors, this sinking fund, or any part thereof, may be appropriated to the purchase of any of the bonds or debts of the said company before they become due.

Proceeds of bonds how to be appropriated.

§ 3. The proceeds of said bonds shall be devoted to liquidating and funding the present debt of said company, and towards paying for a new bridge across the Kentucky river, at or near the site of their present bridge, (the portion appropriated towards building said bridge not to exceed sixty thousand dollars) and to no other purpose whatever.

Approved January 28, 1856.

CHAPTER 79.

AN ACT to incorporate the Copley Cemetery Company, at Bowlinggreen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name and privileges.

§ 1. That A. W. Graham, J. M. Donaldson, W. P. Payne, J. T. Donaldson, T. A. Atchison, J. M. Browning, Jerry Wilkins, Jos. R. Underwood, Atwood Hobson, B. T. Payne, and E. D. Payne, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of the "Copley Cemetery," to have perpetual succession; may sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended against in all courts; may have a common seal, and the same alter, break, and renew at pleasure; may establish such by-laws, rules, and regulations as they may deem expedient for the government, management, and disposition of the property and effects of this company, also for the government, management, and election of its officers, not inconsistent with the constitution and laws of this State and the United States.

May buy land for burial purposes.

§ 2. Said corporation shall have the power to purchase, hold, transfer, and sell, a tract or tracts of land, not exceeding one hundred acres, to be located not further than three nor less than one half of a mile from the court

house in the town of Bowlinggreen, Warren county, to be used as a burying ground or cemetery forever, free from any interference of turnpike, railroad, or other public improvement; may improve the same, by suitable avenues, walks, and embellishments; may subdivide the ground into lots suitable for graves and vaults, and may sell the same at pleasure, (not inconsistent with the by-laws;) which lots shall be used exclusively for burial purposes and no other; and said tracts or lots of land are hereby forever dedicated and set apart to be held by said corporation, their associates, successors, and assigns, for the purposes aforesaid and no other. All lots in said cemetery shall be forever free from attachment or sale for debt, and shall be forever free from State or county taxes.

§ 3. The officers of said company shall consist of not less than five or more than eleven Directors, a Secretary and Treasurer, and such other officers as the company may choose to elect. The Board of Directors may be elected annually by the vote of a majority of the stockholders, and shall hold their office for one year, and until their successors are elected and installed; they shall choose a President out of their own number, and appoint such Secretary and Treasurer as they may choose. A majority of the Directors shall constitute a quorum. When a vacancy occurs in the Board of Directors, the same may be filled for the unexpired time by appointment by the Board. They may also erect such buildings as they may deem necessary for the benefit and use of the keeper or agent of the grounds, and may abate any improvement or construction, or division of the grounds which, in their judgment, may be objectionable or improper.

§ 4. The persons herein named, shall constitute the first Board of Directors, who shall hold their office until their successors are duly elected, shall fix the times of meeting of the stockholders, which shall be at least twice in each year; and the reports of the Secretary and Treasurer may be required as often as the Directory meet.

§ 5. All deed for the conveyance of lots in said cemetery, shall be signed by the President and attested by the Secretary, with the corporate seal attached, which shall be deemed a sufficient authentication of such deed. Said corporation may hold any bequest or grant, in money or property, and apply the same or the income thereof by its directory, for the improvement of said cemetery or any part thereof, or in the erection or preservation of any tomb or monument, according to the terms of such grant or bequest.

§ 6. Any person who shall wilfully, deface or destroy, the tombs, shrubbery, or anything pertaining to said cemetery, or who shall hunt or shoot game of any kind on said

1856.

Exempt from taxation.

Officers.

Improvements

Deeds

Penalties.

1856.

grounds, shall, upon conviction of said offense or any of them, be fined not less than five dollars nor more than twice the value of the property injured or destroyed; and such amount shall be expended in repairing said damage, or for the improvements of the grounds. Any Magistrate in the county, or the County Judge, shall have jurisdiction in all such cases. In all suits against this corporation, the members thereof shall be competent witnesses.

Penalties.

§ 7. Any person or persons, who shall wilfully open any vault or grave within the limits of said cemetery, for the purpose of robbing such grave or vault of the corpse or any of its clothes, jewelry or materials placed therein, or who shall shall remove any body from said cemetery for the purpose of dissection, or who shall knowingly receive any such body, after its removal, together with all aiders and abettors, shall be deemed guilty of felony, and upon conviction shall be punished by imprisonment in the penitentiary for a time of not less than two years nor more than five years, and shall be liable for damages done on the premises.

Improvement fund.

§ 8. It shall be the duty of said corporation to set apart ten per cent. of the net proceeds of the sale of lots in said cemetery or burial ground, until it shall amount to the sum of ten thousand dollars, which shall be denominated the improvement fund, which fund shall be loaned out and the proceeds of the interest thereon be annually expended in improvements, decorating and beautifying the grounds, or any part thereof, to be determined by the stockholders, unless said stockholders shall see proper to direct the interest so accruing to be used and set apart in such manner as was the principal, as above provided.

Dividends.

§ 9. Said corporation, by the vote of the stockholders owning the greatest amount of the original stock, may divide said original stock into such denomination and number of shares and provide for the sale thereof in such manner as they may determine upon or deem expedient, and by their by-laws provide for the manner of declaring and paying dividends, and when they shall be declared.

§ 10. This act shall take effect from and after its passage; and the power is hereby reserved to the General Assembly to alter, amend, or repeal this act any time.

Approved January 28, 1856.

CHAPTER 86.

AN ACT to amend an act, entitled, an act to incorporate the Peach Orchard Coal Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled, "an act to incorporate the

Peach Orchard Coal Company," approved February 10, 1852, shall be and the same is hereby amended as follows, viz:

§ 2. The President and Directors of the said company, or a majority of them, are hereby authorized and empowered to borrow such sum or sums of money at and for such time or times, upon such terms, and at such rate or rates of interest, as they may deem expedient; and also to secure the payment of the same by pledge or mortgage of all or any part or parts of their property, real, personal, or of whatsoever nature, and to issue the bonds of the said company, signed by the President thereof, with or without coupons attached, and convertible in whole or in part into the stock of said company; and the capital stock of said company named in the first section of its act of incorporation is hereby extended to such sum or amount as may at all times be sufficient to cover all such issues of stock as may be required by any and all holders of convertible bonds of the said company in the conversion thereof.

May borrow
money.

§ 3. The business authorized by the first section of the said act of incorporation is hereby extended so as to embrace, boring for, and manufacturing salt, and to the doing of all things properly connected therewith, and with the transportation, sale, or other disposition thereof: also so as to embrace the clearing up and cultivation of the lands of said company in such manner and for such purposes as the said company shall deem for their advantage, with the manufacture, sale, or other disposition of the products thereof: also so as to embrace the building and construction of ships, steamboats, vessels, barges, and other water-craft, and the manufacture and construction of all articles and things out of lumber and wood in any and every form, with or without iron or other materials connected therewith, and to do all things properly connected with the sale, transportation, or other disposition thereof, as the said company shall deem for their advantage: also so as to embrace the mining of iron ore and other minerals, and the manufacture thereof into any and all such forms for all such uses and purposes as the said company shall deem for their advantage, and the same transport, sell, or otherwise dispose of for the best interests of the said company: also so as to embrace the building and construction or purchase of all such buildings, machinery, or other improvement as may be of advantage to the said company in establishing, conducting, and perfecting each and every of the businesses above mentioned.

Business ex-
tended.

§ 4. The President and Directors of the said company, or a majority of them, are hereby authorized and empowered to set apart and appropriate from time to time such part or parts of the capital stock of the said company to

Part of the
capital stock set
apart.

1856.

grounds, shall, upon conviction of said offense or any of them, be fined not less than five dollars nor more than twice the value of the property injured or destroyed; and such amount shall be expended in repairing said damage, or for the improvements of the grounds. Any Magistrate in the county, or the County Judge, shall have jurisdiction in all such cases. In all suits against this corporation, the members thereof shall be competent witnesses.

Penalties.

§ 7. Any person or persons, who shall wilfully open any vault or grave within the limits of said cemetery, for the purpose of robbing such grave or vault of the corpse or any of its clothes, jewelry or materials placed therein, or who shall shall remove any body from said cemetery for the purpose of dissection, or who shall knowingly receive any such body, after its removal, together with all aiders and abettors, shall be deemed guilty of felony, and upon conviction shall be punished by imprisonment in the penitentiary for a time of not less than two years nor more than five years, and shall be liable for damages done on the premises.

Improvement fund.

§ 8. It shall be the duty of said corporation to set apart ten per cent. of the net proceeds of the sale of lots in said cemetery or burial ground, until it shall amount to the sum of ten thousand dollars, which shall be denominated the improvement fund, which fund shall be loaned out and the proceeds of the interest thereon be annually expended in improvements, decorating and beautifying the grounds, or any part thereof, to be determined by the stockholders, unless said stockholders shall see proper to direct the interest so accruing to be used and set apart in such manner as was the principal, as above provided.

Dividends.

§ 9. Said corporation, by the vote of the stockholders owning the greatest amount of the original stock, may divide said original stock into such denomination and number of shares and provide for the sale thereof in such manner as they may determine upon or deem expedient, and by their by-laws provide for the manner of declaring and paying dividends, and when they shall be declared.

§ 10. This act shall take effect from and after its passage; and the power is hereby reserved to the General Assembly to alter, amend, or repeal this act any time.

Approved January 28, 1856.

CHAPTER 86.

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§ 1. That the act, entitled, "an act to incorporate the

Peach Orchard Coal Company," approved February 10, 1852, shall be and the same is hereby amended as follows, viz:

§ 2. The President and Directors of the said company, or a majority of them, are hereby authorized and empowered to borrow such sum or sums of money at and for such time or times, upon such terms, and at such rate or rates of interest, as they may deem expedient; and also to secure the payment of the same by pledge or mortgage of all or any part or parts of their property, real, personal, or of whatsoever nature, and to issue the bonds of the said company, signed by the President thereof, with or without coupons attached, and convertible in whole or in part into the stock of said company; and the capital stock of said company named in the first section of its act of incorporation is hereby extended to such sum or amount as may at all times be sufficient to cover all such issues of stock as may be required by any and all holders of convertible bonds of the said company in the conversion thereof.

May borrow
money.

§ 3. The business authorized by the first section of the said act of incorporation is hereby extended so as to embrace, boring for, and manufacturing salt, and to the doing of all things properly connected therewith, and with the transportation, sale, or other disposition thereof: also so as to embrace the clearing up and cultivation of the lands of said company in such manner and for such purposes as the said company shall deem for their advantage, with the manufacture, sale, or other disposition of the products thereof: also so as to embrace the building and construction of ships, steamboats, vessels, barges, and other water-craft, and the manufacture and construction of all articles and things out of lumber and wood in any and every form, with or without iron or other materials connected therewith, and to do all things properly connected with the sale, transportation, or other disposition thereof, as the said company shall deem for their advantage: also so as to embrace the mining of iron ore and other minerals, and the manufacture thereof into any and all such forms for all such uses and purposes as the said company shall deem for their advantage, and the same transport, sell, or otherwise dispose of for the best interests of the said company: also so as to embrace the building and construction or purchase of all such buildings, machinery, or other improvement as may be of advantage to the said company in establishing, conducting, and perfecting each and every of the businesses above mentioned.

Business ex-
tended.

§ 4. The President and Directors of the said company, or a majority of them, are hereby authorized and empowered to set apart and appropriate from time to time such part or parts of the capital stock of the said company to

Part of the
capital stock set
apart.

1856.

each or any department of business above named as they may deem expedient and sufficient for properly establishing and conducting the same; and upon so doing, they shall designate by name and style the business with the capital stock set apart and appropriated therefor, and shall file a statement thereof in the office of the County Clerk of the county where the same is to be conducted; and from the time of filing such statement, the capital stock so set apart and appropriated to a particular business as aforesaid, shall belong exclusively to the same under the name and style so designated in the statement filed as aforesaid; and the holders of the capital stock so set apart and appropriated for a particular business shall proceed to elect officers for the management thereof, under the said name and style, in the same manner and under the same rules and regulations as the said company do it; and thenceforth the said business, under the name and style so designated, shall be managed and conducted by its officers with the same rights, powers and privileges, and under the same restrictions as the general business of the said company, and each particular business, under the name and style so designated as aforesaid, shall hold its capital stock, property and effects, pay its debts and liabilities, sustain its losses and divide its profits entirely independent of and unmixed with the general capital stock and business of the said company, or with any other name and style organized as aforesaid.

§ 5. The said company are hereby authorized and empowered to make any subscription they may deem expedient to the capital stock of any railroad company, slack-water navigation company, or other company for the improvement of the Big Sandy river, which may tend to enhance the value of their lands and property, or to the improvement of the valley of the Big Sandy river.

§ 6. The said company are hereby authorized to create a contingent fund of such amount as they shall deem proper for the protection and promotion of the interests of the said company, and the same loan out in such sums, payable at such times, as they may agree upon, or otherwise invest the same in such manner as the said company shall judge best to the end of the prompt payment and security of the creditors of the said company.

§ 7. The franchises and powers granted in and by the act of incorporation to which this is an amendment, or herein granted, are hereby made perpetual, subject however to be at any time repealed or amended for a violation of the said franchises and powers, provided that such repeal or amendment shall in no wise be made so as to prejudice the rights and interests of the creditors of the said company.

May subscribe
to railroad com-
panies.

May loan mon-
ey.

§ 8. A special meeting of the stockholders of the said company may be called by the President and Directors, or a majority of them, at any time when they may think the interests of the company require it, by a notice thereof published for four weeks in one or more newspapers published in the city of Covington or Louisville; and if a majority of the capital stock issued by the said company shall be represented and voted at any such meeting, the actings and doings thereof shall be valid and binding upon the said company.

1856.
Special meet-
ings.

Approved January 31, 1856.

CHAPTER 83.

AN ACT to amend the laws relating to the county levy of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all claims for holding of Coroner's inquests in the city of Covington, and claims of officers of elections for holding elections in said city, shall hereafter be paid by said city, when satisfactorily proven to the city council, and shall not be allowed out of the county levy of Kenton county.

§ 2. The Justices of the Peace for Kenton county, who reside in the city of Covington, shall not be permitted to sit at the Court of Claims in the county of Kenton.

Approved February 5, 1856.

CHAPTER 84.

AN ACT to authorize the Trustees of Bethel High School to sell and convey lands.

WHEREAS, The Trustees of Bethel High School, at Russellville, hold the title as Trustees aforesaid to a larger amount of land than is necessary, or can be conveniently or profitably used for the benefit of said school: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Trustees of said Bethel High School be and they are hereby authorized and empowered to sell and convey the title to said land as Trustees as aforesaid, or as much thereof as they may deem necessary to promote the interests of said institution.

Approved February 5, 1856.

1856.

CHAPTER 85.

AN ACT to incorporate the Christian County Agricultural and Mechanical Association.

WHEREAS, It is represented to the General Assembly that certain citizens of Christian county are anxious to create an association for the purpose of improvement in agriculture and the mechanical arts, the improvement of the race of all useful and domestic animals, &c., and have petitioned for an act of incorporation: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Isaac Lewis, James T. Jackson, R. T. Torian, James M. Ford, William T. Moore, James H. Lander, E. R. Cook, J. C. Whitlock, John W. Wallace, H. B. Owsley, and John Stites, and such other persons as may choose to associate with them, be and they are hereby created a body politic and corporate, with perpetual succession, under the name and style of "the Christian County Agricultural and Mechanical Association;" and by that name may sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity, and shall be capable of acquiring by purchase or otherwise any quantity of land in the county of Christian, in the neighborhood of Hopkinsville, not less than ten nor exceeding fifty acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the President and Directors of said association may deem necessary. The said association may adopt and use a corporate seal, or may use the private seal of the President for the time being.

Real estate.

Capital stock.

Organization.

Term of office.

§ 2. The capital stock of said association shall be divided into shares of twenty-five dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporation may direct; any five of the persons before named are authorized to open books for the subscription of stock in said corporation, at any time and place they may designate; and so soon as in their judgment sufficient stock is subscribed to meet the objects of said association, they may call a meeting of the subscribers who are shareholders, at Hopkinsville, after having given public notice through the papers published in said town, at least ten days previous thereto, of the time and place of such meeting; at which time the subscribers, then present, shall proceed to the election of a President and six Directors of said association, each of whom shall be a shareholder therein, and such other officers as they may deem necessary.

§ 3. The President and Directors so chosen shall continue in office one year from the time of said election, unless the members of said association shall by resolution

Corporate name and privileges.

or by-law fix upon a longer period as the term of office.

§ 4. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the President and Directors thereof; and they shall have power to appoint a Treasurer and Secretary, and such other inferior officers as they may deem necessary; and they may require of such inferior officers, or either of them, bond, with good security, payable to themselves, for the faithful discharge of their duties. The President and Directors shall have the power to contract and be contracted with in their corporate name, and to do any and every other act, not inconsistent with the constitution and laws of this Commonwealth, which in their opinion will contribute to the advancement of the object of the association.

§ 5. A majority of the Directors of the association, together with the President, shall constitute a quorum for the transaction of business.

§ 6. The said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts contracted by it or by its authority.

§ 7. That no spirituous liquors shall be sold upon the premises during the continuance of any fair held by said association, or within one half mile of the same, under the penalty of twenty dollars for each and every offense, to be recovered before the Police Judge of the town of Hopkinsville, or before any Justice of the Peace of Christian county; and each separate act of selling shall be a distinct offense.

§ 8. Any county other than the county of Christian, which by its citizens shall subscribe as much as twenty shares to the capital stock of this association, shall by its subscribers elect and appoint one Director of this association, and one for each additional subscription of twenty shares.

§ 9. That the Legislature reserves the power to repeal or amend this act; such repeal however not to operate to the prejudice of vested rights or the rights of creditors.

Approved February 5, 1856.

Powers and
duties of officers

1856.

Liability.

Spirituos M.
quon.

CHAPTER 86.

AN ACT to incorporate the Southern Kentucky Fair Ground Association.

WHEREAS, Divers persons of the county of Warren and elsewhere in this State, have organized an association under the name and style of the Southern Kentucky Fair Ground Association, and have purchased land and erected improvement for the use and accommodation of State, Dis-

1856.

trict, and County Fairs, as well as for other purposes, and have chosen a President, five Directors, Secretary and Treasurer: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of the "Southern Kentucky Fair Ground Association;" and by that name may sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of ground, not exceeding fifty acres, and may improve the same or any part thereof at pleasure; and may acquire, hold, and dispose of such personal estate as the President and Directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the seal of the President for the time being.

§ 2. That the President, Directors and officers already chosen as aforesaid, shall continue in office until the 28th day of May next, and until their successors are duly elected; and annually thereafter an election shall be held for a President, Directors and other officers, unless the members of said association at said annual election shall by resolution fix upon a different day.

§ 3. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the President and Directors aforesaid; and they shall have power to make such regulations and by-laws, not inconsistent with the laws and constitution of this Commonwealth, as in their opinion may contribute to the good order and management of said association, and may from time to time modify and repeal the same at pleasure. They shall have power to contract and be contracted with in their corporate name, and do any and every other act, not inconsistent with the constitution and laws of this Commonwealth, which in their opinion will contribute to the object of said association.

§ 4. A majority of the Directors, together with the President, shall be a quorum to transact business, unless the association shall require a different number.

§ 5. That said association may extend their subscription and stock not to exceed ten thousand dollars, but shall have no power to create any debt or liability over and above the amount of stock subscribed.

§ 6. That said association shall in its corporate capacity, with all the estate belonging thereto, be liable for any debts heretofore contracted by it or by its authority, as fully as though the same had been contracted since the passage of this act.

Corporate
name and pow-
er.

Officers.

Officers' pow-
ers and duties.

Capital stock.

§ 7. That said association may, under the direction of the President and Directors, continue open books for the subscription of stock, may fix the shares of said stock to said association, and shall issue certificates of stock to stockholders holding evidences of payment, to be signed by the President and certified by the Secretary; and said certificate may be transferred as other estate.

1856.

Opening of
books for sub-
scription.

§ 8. This act shall take effect from its passage.

Approved February 5, 1856.

CHAPTER 87.

AN ACT to amend an act authorizing the citizens of Brandenburg to elect a Police Judge and Marshal.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Trustees of the town of Brandenburg shall have power to regulate the places of voting in said town for the purpose of electing a Police Judge and Marshal, and shall have the power to fill vacancies in said offices in case of death, resignation, or removal; and that it shall be lawful for the citizens of said town to elect their first Judge and Marshal on the first Monday in August, 1856, and on the first Monday in the same month, every four years thereafter; and so much of an act, entitled, "an act authorizing the citizens of Brandenburg to elect a Police Judge and Marshal," as conflicts with the provisions of this act, is hereby repealed. This act to take effect from its passage.

Approved February 5, 1856.

CHAPTER 91.

AN ACT to incorporate the Warren County Agricultural and Mechanical Association.

WHEREAS, Divers persons of the counties of Warren, Barren, Allen, Logan, Simpson, Butler, and Edmonson, have organized an association under the name of the "Warren County Agricultural and Mechanical Association," for the purpose of promoting the interests of agriculture, horticulture, and the mechanic arts in all their branches, and for that purpose have adopted a constitution and by-laws, and chosen a President and Directors to control the affairs thereof: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of the Warren County Agricultu-

Corporate
name and pow-
ers.

1856.

ral and Mechanical Association; and by that name may sue and be sued in all courts of law or equity, and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding fifty acres, and may improve, sell, and convey the same, or any part thereof at pleasure; may acquire the use and occupancy of grounds for a term of years, by contract or otherwise; may acquire or dispose of such personal estate as may be deemed necessary and proper for the purposes of said association, and may adopt a corporate seal, and change the same at pleasure.

Officers.

§ 2. That the President and Directors and officers already chosen shall continue in office until the fourth Monday in May next, and until their successors are duly elected and qualified, at which time, and annually thereafter, (unless the members of the association shall by resolution fix a different time,) an election of a President and two Vice Presidents and twelve Directors, Secretary and Treasurer, shall be held: *Provided*, Said association may increase or diminish the number of Directors or officers at any annual meeting.

Duties and powers of officers.

§ 3. The prudential, fiscal, and other concerns of said association shall be under the control and management of the President and Directors; and they shall have power to appoint such other officers as the association may determine necessary in carrying out the purposes thereof; and said association shall have power to make regulations and by-laws not inconsistent with the constitution and laws of this Commonwealth, as in their opinion will contribute to the success of the purposes thereof, and to alter or repeal the same at pleasure, or to amend or change their constitution.

Vacancies.

§ 4. The board of Directors shall have power to fill such vacancies as may happen during their term of office, and from certain officers may require bond with security, payable to the President and Directors, and conditioned for the faithful discharge of the duties of their respective offices; and for a breach of such condition may put said bonds in suit as in the case of defaulting public officers.

Opening of books.

§ 5. That said association may, under the direction of the President or Directors, continue open books for the subscription of stock to said association, may fix the shares of said stock, and may provide for life membership in said association, and shall issue certificates of stock to such life member, which may be transferred as other estate; and may annually, or oftener if desirable, at or near Bowling-green, hold fairs for the exhibition of the products of the soil, specimens of the mechanical arts, of useful and domestic animals, and whatever else serves to represent the labour and industry of the State, and may award premiums as may be necessary and proper,

Objects of the society.

§ 6. That said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts heretofore contracted by it or by its authority, as fully as though the same had been contracted since the passage of this act.

§ 7. That no spirituous liquors shall directly or indirectly, during the continuance of any fair of said association, be sold upon the grounds occupied for such fair; nor shall any such liquor during any such time be sold either directly or indirectly upon any lot, lane, road, or street adjoining or within one quarter of a mile of the same, under the penalty of twenty-five dollars for each and every such offence, to be recovered, together with costs, by warrant before any Justice of the Peace of Warren county.

§ 8. This act shall take effect from its passage,

Approved February 5, 1856.

1856.

Liability.

Spirituos
liquors.

CHAPTER 92.

AN ACT to charter the Springfield Agricultural and Mechanical Association.

WHEREAS, Divers persons of the counties of Washington, Marion, Nelson, and other counties in this Commonwealth, have organized an association, under the name and style of the "Springfield Union Agricultural and Mechanical Association" for the purpose of promoting improvement in all the various departments of agriculture, mechanics, and horticulture; and for that purpose have adopted a constitution and by-laws, and chosen a President and fifteen Directors to control and manage the affairs thereof; and have applied to the General Assembly for an act of incorporation: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said association be and it is hereby created a body politic and corporate, with perpetual succession, under the name and style of the "Springfield Union Agricultural and Mechanical Association" at Springfield; and by that name may sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity; and shall be capable of acquiring by purchase or otherwise, any quantity of land not exceeding twenty-five acres, and may improve, sell or convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the President and Directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the seal of its President for the time being.

Corporate
name and pow-
ers.

§ 2. That the President and Directors already chosen, as aforesaid, shall continue in office until the third Mon-

others.

1856.

Election.Powers and
duties of officersLiability.Spirituos li-
quor.Penalties.

day in May, 1856, and until their successors are duly elected and qualified; an election, however, of a President and fifteen Directors shall be had on the third Monday in May next, by the qualified members of said association, and annually thereafter, unless the members of said association, at said annual election, shall, by resolution, fix upon a different day; and they may at their annual election, reduce the number of Directors.

§ 3. The prudential, fiscal, and other concerns of said association, together with all of its estate of any kind, shall be under the control and management of the President and Directors aforesaid; and they shall have power to appoint a Secretary and Treasurer, and such other inferior officers as they may deem necessary in carrying out the purposes of said association; and they may require of such inferior officers, or either of them, so elected, bond with good security for the faithful discharge of his or their duties; said President and Directors shall have power to make such regulations, not inconsistent with the constitution and laws of this Commonwealth, as, in their opinion, may contribute to the good order and management of said association, and may, from time to time, modify or repeal the same at their pleasure. They shall have power to contract and be contracted with, in their corporate name, and to do any and every other act not inconsistent with the constitution and laws of this Commonwealth, which, in their opinion, will contribute to advance the objects of said association.

§ 4. Any five members of the directory, together with the President, shall be a quorum for the transaction of business, unless the association shall fix on and require a different number.

§ 5. That said association shall, in its corporate capacity, with all its estate belonging thereto, be liable for any debts heretofore contracted by it, or by its authority, as fully as though the same had been contracted since the passage of this act.

§ 6. That no spirituous liquors shall, directly or indirectly, during the continuance of any fair of said association, be sold upon the premises used for any such fair, nor shall any such liquor, during any such time, be sold, either directly or indirectly, upon any lot, lane, road, or street, adjoining the same, under the penalty of twenty dollars for each and every such offence, to be recovered, together with the costs, by warrant in the County Court, or before any Justice of the Peace in the county of Washington and each separate act of selling shall be a separate offense.

§ 7. That said association shall, in its corporate capacity, have power to appoint officers to keep order and decorum upon the grounds of said association; and for any misdemeanor committed by any person contrary to their

constitution and by-laws, as determined by the Directors, they shall have power, through their officers to expel from their grounds any such person, and if the offense be inconsistent with the laws of this Commonwealth, to arraign before any Justice of the Peace or the County Judge of Washington county said offender, who shall be fined not less than five nor more than twenty dollars for any offense.

§ 8. That the Legislature hereby reserves the power to repeal or amend this act, such repeal or amendment not to operate to the prejudice of vested rights, or the rights of creditors.

Approved February 5, 1856.

1856.

CHAPTER 93.

AN ACT to ratify the sale made by the Marion County Court of the poor-house and farm.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of Marion county, be and it is hereby authorized and empowered, at any of its regular terms, (the County Judge alone sitting) to enter up an order, ratifying the sale, heretofore made by said court, of the poorhouse and farm to Arnold Jarboe, and to appoint a commissioner to make a deed conveying all the right, title, and interest of said county in the same to said Jarboe, in compliance with and on the conditions of said sale heretofore made, or upon other and further conditions that may be agreed upon by said court and said Jarboe.

§ 2. This act shall take effect from its passage.

Approved February 5, 1856.

CHAPTER 94.

AN ACT to provide for increasing the county levy of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Kenton county may fix the county levy of said county at a sum not to exceed two dollars on a titheable; and so much of paragraph one, of article two, of chapter twenty-six of the Revised Statutes, as is inconsistent with this act, is hereby repealed, so far as the county of Kenton is concerned.

Approved February 5, 1856.

1856.

CHAPTER 95.

AN ACT to authorize the County Court of Spencer county to sell the poor-house lands in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of Spencer county, a majority of all the Justices of the Peace of said county concurring, are empowered to make an order, directing the sale or exchange of all or such part of the poor-house lands belonging to said county as said court may deem proper.

§ 2. That should said court make the order for the sale or exchange of the property spoken of in the first section of this act, they shall appoint one or more commissioners to make said sale or exchange; and the commissioner or commissioners who may be appointed, are hereby vested with full power to convey the same to the purchaser, and assign the benefit of such warrantee as the county of Spencer has in said property.

Approved February 5, 1856.

CHAPTER 96.

AN ACT to increase the jurisdiction of the Police Judge of Monterey, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Police Judge of the town of Monterey, in Owen county, is hereby invested, in his official capacity, with all and the same civil, criminal, and penal jurisdiction of Justices of the Peace of this Commonwealth; except that he shall not constitute a part of the County Court of said county.

Approved February 5, 1856.

CHAPTER 97.

AN ACT for the benefit of Robert P. Pepper, of Woodford county.

WHEREAS, It is provided in the laws of the Commonwealth of Kentucky, that whoever shall challenge another to fight in single combat or otherwise, with any deadly weapon, in or out of this State, shall, upon conviction thereof, be imprisoned and fined, and shall also be excluded and disqualified from exercising the right of suffrage within this Commonwealth for seven years after the date of his conviction: And whereas, Robert P. Pepper, a citizen of Woodford county, in this State, was at the term, 185—, of the Circuit Court for Marion coun-

ty, duly convicted of the offense of having sent a challenge to W. W. Purdy, a citizen of Marion county, to fight in single combat with deadly weapons in this State: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the said Robert P. Pepper be and he is hereby restored to all the rights of suffrage now enjoyed by the citizens of this Commonwealth. This act shall take effect from and after its passage.

Approved February 5, 1856.

1856.

CHAPTER 98.

AN ACT to provide a police system for part of Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any person who may be found hunting with guns, dogs, nets, or otherwise on Sunday in that part of Kenton county which is west of the Covington and Lexington turnpike road, and without the city of Covington, may be fined by a Justice of the Peace in said territory, for every such offense, in a sum not to exceed twenty dollars.

§ 2. All persons are hereby empowered to arrest any person found offending against the provisions of the preceding section, and may detain the offender until the next day, and take him before the Justice, for the purpose of having him tried agreeably to this act.

§ 3. Any fine that may be imposed under this act may be collected in the manner prescribed by law for the collection of fines for breaches of the peace; and one-third of it may be retained by the officer collecting it, and one-third shall be paid by him to the person who made the arrest which resulted in the fine, and one-third shall be paid to the commissioner of the jury fund of said county, to aid in paying juries.

§ 4. In every instance, the person making an arrest under this act shall pay the Justice of the Peace before whom the accused is tried one dollar, which may be collected as other costs; and no other costs shall be taxed in the case.

Approved February 5, 1856.

1856.

CHAPTER 99.

AN ACT to authorize the McCracken County Court to increase the county levy to build a court house and jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the County Court of McCracken county, a majority of all the Justices being present and concurring therein, to increase the county levy of said county to any sum not exceeding in all five dollars on each poll in said county, to continue for a period not exceeding four years, and for the purpose of enabling the County Court to buy lots (if necessary,) and also to build thereon, in the town of Paducah, a court house and jail for said county.

§ 2. That it shall and may be lawful for said County Court, a majority of the Justices being present and concurring therein, at the March term, 1856, of said court, to pass an order increasing the county levy from one dollar and fifty cents, as laid at the November term, 1855, to any sum not exceeding five dollars, which sum when levied, shall be collected by the Sheriff for the year 1856, in the same manner as if laid at the November term, 1855.

§ 3. That in case the County Court aforesaid shall increase the levy, they shall pass an order setting apart seventh-tenths of all the county levy until a fund not exceeding twenty thousand dollars, or so much as shall be necessary, shall be raised, which money shall be used only for the purpose of buying lots whereon to build the public buildings of the county, (provided it shall be necessary to buy lots,) and erect thereon a court house and jail, and for no other purpose whatever.

§ 4. That this act is in no wise to affect the right of said County Court to sell and dispose of certain lots in the town of Paducah, whereon stand the court house and jail given to said County Court of McCracken by an act of Assembly heretofore passed by the Kentucky Legislature, but the said act is hereby declared in full force and effect.

Approved February 5, 1856.

CHAPTER 100.

AN ACT to authorize the County Court of M'Cracken county to change the Gray's ferry road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of M'Cracken county shall have and it is hereby vested with power to change the

Gray's ferry road in said county, from the Jersey store, in Jersey City, to the mouth of the lane between T. H. Glenn and J. W. Jarrett. That said court shall appoint three commissioners to review said change, and report upon oath; and if said report shall be adopted by the court, the road so changed shall be and remain permanent; and the County Court thereafter shall have no power to make any other changes in said road, unless empowered to do so by legislative enactment.

§ 2. This act shall take effect from and after its passage.

Approved February 5, 1856.

1856.

CHAPTER 103.

AN ACT for the benefit of William J. Berry and Seth R. Moseley.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the south-eastern limits of the town of Hartford, Ohio county, be changed as follows, to-wit: Beginning at the south-western corner of out lot No. 1, owned by W. J. Berry; thence due north with said Berry's line, until it strikes Isaac Morton's twenty-four acre survey; thence at right angles, due east with said Morton's line, until it strikes Seth R. Moseley's land; thence at right angles, due north with said Moseley's and Morton's line, to the Bowlinggreen road; thence with said road, in an easterly direction, to the old corporation line, so as to exclude the farms of W. J. Berry and Seth R. Moseley from the limits of said town. This act to take effect from its passage.

Approved February 5, 1856.

CHAPTER 104.

AN ACT authorizing the School Commissioners of Calloway county to enlarge New Concord School District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Commissioners of Common Schools of Calloway county are hereby authorized to change and enlarge New Concord School District, as may to them seem proper and expedient.

§ 2. That this act shall take effect from its passage.

Approved February 5, 1856.

1856.

CHAPTER 105.

AN ACT to incorporate the Providence Mining, Manufacturing, and Shipping Company.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*Corporators
names.Name and
style.Corporate
powers.

Officers.

May make by-
laws.

Capital stock.

May slackwa-
ter Tradewater
river.Locks to be at-
tended by com-
petent persons.

§ 1. That Alfred Towns, William Head, John D. Wymbs, James R. Johnson, John Wilson, James B. Barnhill, Kerney G. Rice, Thomas K. Givens, George W. Wymbs, Fayette Posey, and Samuel Montgomery, their associates, successors, and assigns, be and they are hereby constituted a body corporate and politic, by the style and title of the Providence Mining, Manufacturing, and Shipping Company, with perpetual succession, and with power to contract and be contracted with, to sue and be sued in that name in all courts and places, to have a common seal, to engage in the mining of coal and all other minerals or metals upon the lands now owned or which may hereafter be owned by them, on the waters of Trade Water river, in the counties of Hopkins, Union, and Criittenden, south of the Crab Orchard fork of said river, and north of Clear creek, and in the manufacture of any other articles or commodities whatever, and in the transportation of the same to any markets in or out of the United States ; to hold their meetings in the State, and to exercise all authority and have all powers which they may deem needful for the successful prosecution of their business, and for the execution of powers herein granted.

§ 2. That said corporators may organize said company by the appointment of a President and four Directors, and such other officers as they may think proper, at such time and place as they may designate by notice previously given ; and when organized, said company shall have power to make such by-laws, rules, and regulations as they may deem necessary from time to time for the government, management, and prosecution of the business of said company, and enforce the same.

§ 3. The capital stock of said company shall be five hundred thousand dollars, and may be increased by the company to one million of dollars, and shall be divided into shares of one hundred dollars each.

§ 4. Said company shall have the right to make slack-water navigation of Trade Water river, by putting in the necessary locks and dams in said river, to give four feet water at all seasons of the year at Bellville, in Hopkins county ; said lock pits to be made of substantial stone masonry and hydraulic lime, not less than one hundred and sixty feet long and forty feet wide in the chamber, and the dams not to be so high as to cause the water to flood the country. Said company is hereby required to have said locks attended to by competent hands, and pass all boats, water crafts, or lumber through said locks,

for which they shall be allowed to charge and receive the same tolls that are charged at the locks on Green and Barren rivers; but said company shall not make slackwater navigation of Trade Water river unless it can make arrangements with the riparian owners of land, where it may desire to make the necessary works.

§ 5. That each stockholder shall be entitled to as many votes as he owns shares, which shall be given *viva voce* or by proxy.

1856.

How stock to be voted.

§ 6. Said company may build, buy, and own boats for the purpose of carrying on their business, and may dispose of their property or any portion of it by sale or otherwise; they may receive real estate or mining privileges in the payment of such part of their stock as they may deem advisable, and shall have the power to hold, either by purchase or otherwise, such real estate, mining rights of way, or other property as may be thought expedient by them for the successful prosecution of their business, and the same or any part thereof to dispose of as the interest of the company may require.

May own boats real estate, &c.

§ 7. That it shall be lawful for the President and Managers of said company from time to time to borrow or obtain on loans such sums of money and on such terms as they deem expedient, for the prosecution of the business of said company: *Provided*, that the President and Managers shall never permit the liabilities of said corporation to exceed the one half of its capital stock; and to pledge or mortgage any part of the estate, improvements, privileges, effects, or assets whatever of said company for the repayment of said sums of money so borrowed, at such times as may be agreed upon.

May borrow money.

§ 8. Said company shall have power to build railroads and other passways through their lands that they deem necessary, and through the lands of others, if the consent of the owner can be obtained.

May build railroads.

§ 9. Said company shall keep a record of all their business transactions, which shall be subject to the examination of any stockholder or creditor, and allow extracts of the same to be taken by those interested in the same.

Record of proceedings to be kept.

§ 10. That said company shall possess and enjoy all powers, rights, privileges, and immunities which are right, necessary, and proper to carry out the object of this association.

Powers.

§ 11. That all former acts of the General Assembly, granting privileges to slackwater said stream be and the same are hereby repealed, unless complied with in four years from and after the passage of this act.

1856.

§ 12. The General Assembly may alter or repeal this charter whenever it is deemed expedient.

§ 13. This act shall take effect from and after its passage.

Approved February 5, 1856.

CHAPTER 106.

AN ACT to incorporate the Daviess County Agricultural and Mechanical Association.

WHEREAS, Divers persons in Daviess and other counties have organized an association under the name of the Green River Agricultural and Mechanical Association, to improve the condition of agriculture, including not only the great staples of industry and trade, but also fruits, vegetables, and ornamental gardening, the promotion of the mechanic arts, in all their branches, the improvement of the races of domestic and useful animals, the general advancement of rural economy and household manufactures, and the dissemination of knowledge upon these subjects; and for these purposes have adopted a constitution and by-laws, and have chosen a President and an executive committee of five members to control and manage the affairs of the association; and having requested the President and executive committee to apply for an act of incorporation: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Body politic
and corporate.

Name and
style.

Corporate
powers.

Term of office.

§ 1. That said association be and is hereby created a body politic and corporate, in perpetuity, under the name and style of the Daviess County Agricultural and Mechanical Association, (a similar association under the name of the Green River Agricultural and Mechanical Association of Barren county having been heretofore incorporated,) and by that name may make contracts, may sue and be sued, and shall be capable of acquiring, by purchase or otherwise, any quantity of land, not exceeding twenty acres, and may improve, sell, or convey the same, or any part thereof, at pleasure, and may acquire and dispose of such personal estate as may be deemed necessary and proper for the purposes of said association; may adopt a corporate seal, and change the same at pleasure; may adopt such constitution, by-laws, and regulations as they may deem proper; and such as they have heretofore adopted are hereby ratified and confirmed.

§ 2. That the President, executive committee, and other officers already chosen shall continue in office until the next annual election, as provided for by the constitution and by-laws of the association, and until their successors are duly elected and qualified. The election and

appointment of officers, the prudential, fiscal and other concerns of said association, shall be held, controled, and managed in such manner and at such times and places as the constitution and by-laws may direct.

§ 3. That said association may, under the direction of the President and executive committee, open books for the subscription of stock to said association, may fix the shares of said stock, and may provide for life memberships in said association, and issue certificates of life membership; which stock and life memberships shall be personal estate, and shall be assignable; and said association may annually, or oftener at or near Owensboro, hold fairs for the exhibition of the products of the soil, specimens of the mechanic arts, of useful and domestic animals, and whatever else serves to represent the labor and industry of the State, and may award such premiums as may be necessary or proper.

§ 4. That said association is authorized to borrow any sum or sums of money, not exceeding two thousand dollars at any one time, at any rate that may be agreed upon not exceeding eight per cent. per annum, and may issue the bonds of said association for the money so borrowed, bearing interest not exceeding eight per cent. per annum, and in sums not less than one hundred dollars; which bonds shall be signed by the President and Secretary, and sealed with the seal of the corporation. This act to take effect from its passage.

Books for the subscription of stock to be opened.

May hold fairs

May borrow money.

Approved February 5, 1856.

CHAPTER 107.

AN ACT for the benefit of Elisha Breeding, late Sheriff of Letcher county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Elisha Breeding, late Sheriff of Letcher county, be allowed two years after the passage of this act to collect the revenue, county levy, and fee bills due him for the years 1854 and 1855, and that he may place them for collection in the hands of any officer authorized by law to collect them: *Provided*, That said Elisha Breeding shall be liable for all fines and damages for issuing or collecting any fee bills, revenue, or county levy tax, not authorized by law.

§ 2. That the provisions of this act shall apply to George H. Morrow, late Sheriff of M'Cracken county.

Approved February 9, 1856.

1856.

CHAPTER 108.

AN ACT for the benefit of James S. Coleman, late Sheriff of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James S. Coleman be allowed until the first day of January, 1858, to collect all taxes and fee bills that may be due him, as late Sheriff of Ohio county: that upon the payment of the full amount of revenue for the year 1854, by the first day of March, 1856, he shall be released from all damages that may be chargeable against him.

Approved February 9, 1856.

CHAPTER 109.

AN ACT for the benefit of John Friend, late Sheriff of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John Friend, late Sheriff of Floyd county, be allowed two years after the passage of this act, to collect the county levy, the revenue, and fee bills due him for the years 1854 and 1855, and that he may place them for collection in the hands of any officer authorized by law to collect them: *Provided*, That said John Friend shall be liable to all the pains and penalties under existing laws for collecting illegal taxes, fee bills, revenue, and county tax.

Approved February 9, 1856.

CHAPTER 110.

AN ACT to amend the charter of the city of Covington.

WHEREAS, It is represented to the present General Assembly, that the city of Covington owes a large funded debt, the interest upon which is payable semi-annually, and a considerable amount of said interest has already become due, and the larger portion thereof been met by the issue and sale of income bonds of said city, to mature, a part of them in 1856, a part in 1857, and the residue in 1858; and a further portion of said interest, already due and to become due, has been paid, or secured, by the pledge of the credit of private individuals: and the revenue of said city derivable from all available sources under existing laws, is insufficient to pay the interest on said funded debt, in addition to the ordinary expenses of said city: and whereas, the legal voters of said city of Covington, by a vote polled on the eleventh day of November, 1854, authorized the levy of a special tax of twenty-five

cents on each one hundred dollars valuation of taxable property in said city, to pay said interest: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of said city of Covington be and they are hereby authorized and empowered, by ordinance, to levy and cause to be collected in the same manner as other taxes, a special tax, in addition to the taxes already provided for, of twenty-five cents on every one hundred dollars valuation of taxable property in said city, for a period of six years. And the money arising from such additional tax shall, under the direction and control of said city council, be appropriated to the payment of the interest on the funded debt of said city and the income bonds sold to pay the same; and to the re-imburs-
ment of such persons as may have paid any portion of said interest, and the payment of any obligations whereby the credit of private individuals may have been pledged for the same, in such order and manner as the said city council shall deem proper and by ordinance provide. But no portion of the proceeds of said special tax shall be appropriated to any other purpose until the whole of said interest and all obligations incurred for or on account of the same, shall have been fully paid off and discharged.

And whereas, it is further represented that the provisions of the act of the ninth of March, 1854, entitled, "an act to amend the charter of the city of Covington," so far as they relate to the gas tax, are of doubtful construction with regard to the property intended to be subjected to said tax: Therefore,

§ 2. *Be it further enacted*, That hereafter the city taxes shall be payable to the City Treasurer on or before the 15th of June of each year, instead of the 1st of July; after which period there shall be added fifteen per centum to the taxes contained in the bills then unpaid. And within five days after the said 15th day of June, the delinquent tax bills shall be returned to the Clerk, and proceeded with agreeably to the provisions of the charter now in force.

Approved February 9, 1856.

Council au-
thorized to levy
a tax.

1856.

CHAPTER III.

AN ACT to incorporate the German Mutual Insurance Association in Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Martin Heim, Henry Struck, William Voss, Anton Kehlart, John Hock, and all other persons who may hereafter become members, be and they are hereby in-

Corporate
name, purposes
and powers.

1856.

corporated and made a body politic, by the name of the Louisville German Mutual Insurance Association, for the purpose of insuring their respective dwelling houses, and such stores and places of trade or business as may be kept in their dwelling houses, and their household furniture, fixtures and merchandize, against loss or damage by fire, under the rules and restrictions set forth in the following articles of incorporation; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever; may have and use a common seal, may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and the same may sell, convey, or dispose of at pleasure; may make, establish, alter, and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this State nor of the United States, as may seem necessary for their regulation and government, and for the management of their affairs, and do and execute all such things as may be necessary to carry into full effect the purposes intended by this charter.

Who are members.

§ 2. That all and every person or persons who shall at any time become interested in said association, by insuring therein, and also their respective heirs, as herein-after provided and limited, shall be deemed and taken to be members thereof, and shall at all times be concluded and bound by the provisions of this act.

Officers.

§ 3. The following officers shall be elected yearly by the association, viz: a President, Vice President, Secretary, and Treasurer. They shall be chosen by ballot, and a plurality of the votes present shall be required to elect. Provision may be made by the association for filling vacancies occurring in any of those offices. And a standing committee for valuation shall be appointed yearly by the President, or in his absence by the Vice President, whose duty shall be as hereinafter set forth.

Entrance fee.

§ 4. Immediately after the association has received its charter, each and every member shall pay to the Treasurer of the association a sum equal to one per cent. of the amount for which his property is to be insured, as an entrance fee, and an entrance fee in like proportion shall be paid to the Treasurer by each and every one hereafter becoming members of the association; but the sum which each one has to pay by way of indemnity to any member for a loss by fire is not due until after such a loss.

§ 5. Each and every member shall pay in to the Secretary of this association his proportionate part of the indemnity against any loss from fire, within sixty days after such loss has happened; and should any member not do so within such time, or three days thereafter, this association may institute an action in any court having juris-

dition, against any member so failing to pay, for the amount due by such member, and may expel him from the association, and from all of its rights and privileges.

§ 6. This association shall only insure dwelling houses and such stores, shops, or places of business as may be within or parts of the dwelling houses of their owners, and the furniture, fixtures, and merchandise within them ; and shall not insure any property for more than two thirds of its value at the time that the insurance is effected or renewed; and no insurance shall be granted by this association on any property insured in any other association or company whatsoever. Nor shall any furniture, merchandize, or movables whatever be insured by this association, when they are not the property of the owner of the house in which they are, and where such house is not insured by this association ; and the rates of insurance may be so regulated as to correspond with the risk from fire, but they shall not be less than three quarter per cent. for a brick house, and one and a quarter per cent. for a frame house, of the amount for which they are insured.

§ 7. A standing committee, as provided in section 3 hereof, shall be appointed, to estimate the value and fix the rates of houses on which insurance is asked ; and this valuation may be repeated as often as may be deemed necessary after the admittance of a member of the association ; and the members of the committee shall obligate themselves before the President of this association and a Justice of the Peace by an oath, truly and faithfully to perform their duties.

§ 8. Every member who has suffered a loss by fire shall be indemnified according to the valuation of the committee. But if the assured and the committee cannot agree, each party shall choose two impartial members, and the four members thus chosen shall fix the valuation, and their decision shall be final.

§ 9. Every member suffering a loss from fire shall give notice thereof as soon as possible, either personally or through another member, to the Secretary. He must also, as soon as possible, report to the Secretary the causes of the fire, and the value of his property burned or injured by the fire, and must on demand make oath to the truth of his report before a Justice of the Peace, and the Secretary or the committee of Valuation ; and if the report be found correct, his indemnity shall be paid to him, unless on investigation it is found that the fire was caused by the negligence of the assured, or by his wilful or deliberate act and intent—in either of which events all claim on this association, resulting from the loss, shall be forfeited.

What buildings
may be insured.

Premium.

A committee
to value proper-
ty.

Notice to be
given of any loss

1856.

What buildings are more or less hazardous.

§ 10. In valuing and fixing the rates and estimates of such houses as are situated less than thirty feet from the following described buildings, the taxation and estimate of rates are to be regulated by the risk, and when that is too great, such houses shall not be insured by this association. The following named buildings and classes of buildings are recognized as dangerous and liable to fire, viz: The workshops of carpenters, cabinet-makers, chair, coach, pattern and pump-makers, coopers and wagon-makers, and all of that class; those of brewers, bakers, dyers, rope-makers, printers, and manufacturers of matches, smith-shops and iron and other foundries; all kinds of oil factories and oil mills, distilleries of liquors, and all establishments of like kind with those enumerated; and no insurance shall be effected on a house on leased ground, unless the lease shall have two years to run.

§ 11. When a member or any other person shall build a house of any of the classes described as dangerous in the preceding section, nearer than thirty feet to a house insured by this association, the owner of the insured house shall notify the Secretary, and the Valuation committee must give their decision within six months from the day of notification; and by a failure to give such notice within the time provided herein, such member shall forfeit all claim on the association, and his policy shall thereby become void.

§ 12. Any alteration or improvement of a house insured by this association, which increases the risk from fire, and renders it more hazardous, shall make the insurance on the house void and of no effect unless the same shall be notified to the Secretary; but no alteration which does not increase the risk or hazard shall affect the insurance.

Carelessness forfeits policy.

§ 13. If a fire shall occur from the carelessness of the assured, in the sale or use of powder or any other combustible, or in the use of fire or lights, the assured thereby shall forfeit all claim and right of indemnity from this association, resulting therefrom.

§ 14. Every one wishing to insure in this association, shall make known to the President the location of his house, and, after his admission, shall pay to the Treasurer his entrance fee as stipulated in section four hereof—in return for the receipt of which by the Treasurer, the Secretary must give his certificate of membership, signed by the President and Secretary.

§ 15. No policy shall be valid unless signed by the President and Secretary; and at each renewal of a policy after its expiration, and at every change of the amount insured, the signature of those two officers shall be required.

§ 16. Any member wishing to withdraw from the association must give notice of such intention one month be-

fore his withdrawal, unless such withdrawal shall take place at the expiration of his policy. And any member having once withdrawn from the association, shall pay the entrance fee provided in section four for the admission of members before he can be re-admitted, though that shall not be required at a renewal of a policy expired unless the member has withdrawn.

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Notice to be given before withdrawal.

§ 17. The entrance fee which has been paid as provided in section four hereof, by the owner of a house insured, is valid and sufficient for the heirs of his body so long as they remain the owners and proprietors of the property so insured, and conform to the rules of the association. But whenever the house shall be sold or descend to other heirs than those herein mentioned, the insurance shall expire.

§ 18. A vote of two-thirds of the members present shall be required to make, alter, or amend any law or by-law.

§ 19. The administration of the affairs of the association shall be entrusted to the officers named and elected and appointed under the provisions of section three hereof, but each and every member of the association shall be entitled to an examination of the books, papers, and general transactions of the association, upon application therefor to the Secretary.

§ 20. The officers already elected and appointed may hold until the expiration of their terms, and their election is hereby made valid.

§ 21. Every member of this association shall be and hereby is bound to pay his proportion of all losses and expenses of the association happening and occurring in and to said association; and all buildings insured by and in said association, together with the right, title, and interest of the assured to the lands on which they stand, shall be pledged to said association; and the said association shall have a lien thereon against the assured during the continuance of his, her, or their policies: *Provided*, That no such lien exceeding fifty dollars shall be enforced against any purchaser for a valuable consideration without notice, or against any creditor.

Liability of members.

§ 22. This association shall exist as long as seven of its members remain.

§ 23. The Legislature reserves power to amend or repeal this act.

Approved February 9, 1856.

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CHAPTER 113.

AN ACT to incorporate McKee Lodge, No. 35, Independent Order of Odd Fellows, at Versailles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the present members, and all who may hereafter become members of McKee Lodge, No. 35, Independent Order of Odd Fellows, in Versailles, Kentucky, be and they are hereby created a body politic and corporate, by the name and style of McKee Lodge, No. 35, Independent Order of Odd Fellows, and as such shall have perpetual succession, and be capable in their corporate capacity to have and use a common seal, to sue and be sued, plead and be impleaded, to answer and defend in all courts of law and equity, and elsewhere, as natural persons, and may ordain and put in execution such laws, rules, and regulations for its government and the management of its affairs, and may change and renew the same, from time to time, as they may deem proper: *Provided*, That they be not in contravention of the constitution, laws and regulations of the Grand Lodge of the Independent Order of Odd Fellows of Kentucky, incorporated by an act approved February 16th, 1838; nor in contravention of the constitution and laws of the United States, or of this State.

§ 2. That the said corporation may purchase or receive, by deed of gift, deed of trust, or otherwise, and hold real and personal property, for the use and benefit of said lodge, not exceeding twenty thousand dollars in value; and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest or dispose of the proceeds; and to create a fund, in the same manner, for the benefit of the widows and orphans of members of the corporation, that may decease, sufficient to yield an annual income not exceeding five thousand dollars, and to make and change laws and rules for its management and distribution.

§ 3. In the event of a dissolution of this corporation, its effects and property shall become the property of the Grand Lodge of Kentucky, of the Independent Order of Odd Fellows.

Approved February 9, 1856.

CHAPTER 114.

AN ACT for the benefit of the Judge of the Ohio County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be and he is hereby authorized and directed to draw his warrant on

the Treasurer for the sum of one hundred and twenty dollars, for the use and benefit of the Judge of the Ohio County Court, for the use of said county, for expenses incurred in keeping a lunatic in the jail of said county, and expenses in clothing said lunatic.

§ 2. That this act shall take effect from and after its passage.

Approved February 9, 1856.

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CHAPTER 117.

AN ACT for the benefit of Addison Williams, late Circuit and County Court Clerk of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years, from and after the passage of this act, is hereby given to Addison Williams, late Circuit and County Court Clerk of Whitley county, to collect his unpaid list of Clerk's fees; that he be permitted to list the same with any authorized officer of said county for collection; and that all such fees have the same force in law and governed by the same laws in their collection, as if listed for collection under the general laws regulating the collection of fees.

Approved February 9, 1856.

CHAPTER 118.

AN ACT authorizing the County Court of Larue to the poor house lands of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the County Court of Larue, a majority of the Justices concurring therein, to sell and convey the poor house lands of said county, upon such terms and at such times as to them may seem best.

Approved February 9, 1856.

CHAPTER 119.

AN ACT to extend the limits of the town of Lewisport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the limits of the town of Lewisport, in Hancock county, be and the same are hereby extended as follows, to wit: Beginning at the back of the present lower limit of said town, and extending to the rear of what is known

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as Pell's addition; thence running parallel with the present rear line of the town to the upper end of what is known as Ghiselin's addition; thence at a right angle to the present upper limit of said town; thence with the present limits to the beginning.

Approved February 15, 1856.

CHAPTER 120.

AN ACT for the benefit of L. P. Bartlett, of Hickman county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be and he is hereby directed to issue his warrant on the Treasurer in favor of L. P. Bartlett, for the sum of twenty dollars, to be paid out of any money in the treasury not otherwise appropriated.

Approved February 9, 1856.

CHAPTER 121.

AN ACT to incorporate the Lowell and Back Creek Turnpike Road Company, in Garrard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby created a body politic and corporate, for the purpose of constructing a turnpike road from near Mr. Hiett's, in Garrard county, to Lowell in said county, crossing Back creek at or near Spainhower's mill, and to intersect the Richmond and Lancaster road at such point as the President and Directors may deem most expedient, under the regulations hereafter prescribed, to be known as the Lowell and Back Creek Turnpike Road Company; and by that name may sue and be sued, plead and be impleaded in all courts of this Commonwealth.

§ 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of fifty dollars each.

§ 3. The books for the subscription of stock shall be opened by Cyrus Doty, Elijah Burnsides, Joel Ramsey, John Henderson, and Thomas R. Conn, or any three of them, who are hereby appointed commissioners for said purpose. They may open the books at any time or place they may designate, in Garrard county, after having given twenty days notice in writing by posting up advertisements in five or more public places in Garrard county.

§ 4. The provisions of an act of the Legislature of the Commonwealth of Kentucky, approved the 24th of November, 1851, entitled, "an act to incorporate the Union

Company
formed

Capital stock.

Commission-
ers to open
books.

Provisions of
another act in-
corporated.

and Beaver Turnpike Road Company," shall be the law governing the company that may be formed under this act, except so far as its provisions are hereby changed and are local; and the President and Directors are hereby vested with all the powers, privileges, and immunities given to the President and Directors by said act.

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§ 5. This act shall be in force from its passage.

Approved February 9, 1856.

CHAPTER 122.

AN ACT to authorize the County Court of Madison to sell the poor house lands in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of Madison is hereby authorized and empowered to appoint commissioners to sell and convey the poor house lands belonging to said county, and reinvest the proceeds of said sale in other lands in said county for poor house purposes, and receive a title therefor, in such manner and upon such terms as said court may order and direct, a majority of all the Justices of said court concurring therein.

§ 2. That this act shall be in force from and after its passage.

Approved February 9, 1856.

CHAPTER 123.

AN ACT for the benefit of James T. Garnett, of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James T. Garnett, of Christian county, shall have the further time of sixty days from the passage of this act to enable him to make a registration of the slaves owned by him and brought into this State by him at the time of his immigration, and to take the oath required by article second, chapter 93, of the Revised Statutes.

Approved February 15, 1856.

CHAPTER 124.

AN ACT to authorize a special election in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the general council of the city of Louisville may

1856.

order a special election to be held upon any day named in the resolution or ordinance authorizing the same, to ascertain the opinion of the qualified voters upon any of the proposed amendments to the city charter—but such election shall only be upon three days notice, to be published in two or more newspapers in said city.

Approved February 9, 1856.

CHAPTER 125.

AN ACT to incorporate the Kirksville Turnpike Road Company, of Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company
formed.

Capital stock.

Commission-
ers to open
books.

incorporation.

§ 1. That a company is hereby formed for the purpose of making a McAdamized, plank, gravel, or other artificial turnpike road, in all or in part of either material, (and omitting either material when the ground may not require it,) from some point on the Kentucky river, near Goggin's Ferry, in Madison county, to Kirksville in said county, and from thence, or near there, to branch, and one branch to intersect the Richmond and Paint Lick Turnpike east of Silver creek—and the other branch to intersect the road leading from Richmond, by the way of Menelos, to the Big Hill, under the name and style of the Kirksville Turnpike Road Company.

§ 2. That the capital stock of said company shall be fifty thousand dollars, which shall be placed under a board of Managers to be appointed in the manner hereinafter directed.

§ 3. That Samuel Kirkendal, James B. Miller, Richard Q. Davis, Samuel Campbell, Newton Jones, Daniel Tuder, and William Ferrell, be and they are hereby appointed commissioners to open books for the subscription of stock, (which shall be one hundred dollars per share,) in said road. The commissioners shall, at such times and places as they may think best, procure one or more books, and in each of them enter as follows, viz: "We whose names are hereto subscribed, promise to pay to the board of Managers of the Kirksville Turnpike Road Company the sum of one hundred dollars for every share of stock set opposite our names, in such manner and proportions, and at such times as shall be determined on by said board, and agreeably to an act of Assembly Incorporating said company. Witness our hands this — day of —, 185—." The books of subscription shall remain open until the whole capital stock shall be taken; and persons or corporations may subscribe at any time or place, in the presence of any one of the commissioners.

§ 4. That said company shall have all the rights, pow-

ers, privileges, and immunities, and shall be governed in all respects by the provisions of an act incorporating the Richmond and Irvine Turnpike Road Company, passed by the General Assembly, and approved March 10th, 1854.

§ 5. That the County Court of Madison shall have all the rights and privileges in relation to taking stock in this and any other road heretofore chartered, any part of which runs through any part of Madison county, and not completed, which is conferred by the sixth section of the aforesaid act incorporating the Richmond and Irvine Turnpike Road Company. This act shall take effect from its passage.

1856.
Rights and
privileges

County Court
of Madison may
take stock.

Approved February 9, 1856.

CHAPTER 126.

AN ACT for the benefit of N. H. Ryan, of Calloway county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby authorized to issue his warrant on the Treasurer for forty dollars, to N. H. Ryan, for services rendered by himself, and expenses incurred in conveying a lunatic to the asylum at Hopkinsville.

Approved February 9, 1856.

CHAPTER 127.

AN ACT to create an additional voting precinct in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an additional voting precinct be and the same is hereby created and established at George Leonhart's two-mile-house, in district No. ——, called the Jamestown district, in Campbell county ; said district to be comprised of all that part of the said Jamestown district No. —— which lies south-west of a line running eastwardly from the south-east corner of the corporation line of the city of Newport, at Constance's brewery, to the house of William Colier, in said district, leaving said Colier's house on the south-east side of said line ; thence to the nearest point on the Ohio river : *Provided*, That nothing herein shall be so construed as to alter or abolish the said Jamestown district No. ——, as now established by law, except for voting purposes only.

Approved February 9, 1856.

1856.

CHAPTER 128.

AN ACT for the benefit of John W. De Jarnett, late Sheriff of Grant county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John W. De Jarnett, late Sheriff of Grant county, be and he is hereby allowed the further time of two years, from and after the passage of this act, to collect his fee bills and arrears of taxes and other fees due him as Sheriff aforesaid, and may distrain, for the same, subject to the same rules and regulations as now govern other officers in collecting fee bills, taxes, &c.

Approved February 9, 1856.

CHAPTER 129.

AN ACT authorizing the Railroad Collector of M'Cracken county to appoint one or more deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the railroad tax collector for M'Cracken county is hereby authorized and empowered to appoint one or more deputies for said county, by and with the assent of the County Court entered upon record; and said collector shall be responsible, together with his sureties, for the malfeasance of said deputy or deputies.

§ 2. This act shall take effect from its passage.

Approved February 9, 1856.

CHAPTER 130.

AN ACT for the benefit of Edwin Trimble, late Clerk of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the further time of two years be and is hereby given to Edwin Trimble, late Clerk of Floyd county, to list and collect his fee bills, as at present allowed to Clerks of this Commonwealth under existing laws. This act to take effect from its passage.

Approved February 9, 1856.

CHAPTER 131.

AN ACT to incorporate Keeton Lodge, No 24, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James C. Gedge, J. W. Farrell, James Sett, Thos.

Reed, James A. Bowen, Elias Rees, and A. Shinkle, and their associates, be and they are hereby created a body corporate, by the name and style of Kenton Lodge, No. 24, of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the name at pleasure: *Provided*, They be not in contravention of the constitution, laws and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16th, 1838, nor in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to re-invest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved February 9, 1856.

CHAPTER 132.

AN ACT in relation to the Seminary fund of McCracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Judge of the McCracken County Court, a majority of the Justices of said county concurring therein, shall cause the seminary fund belonging to said county to be collected, by the Treasurer, and a statement thereof made; and the proceeds of said fund may, (by order of said court entered upon record) be invested in stock of any of the solvent specie paying banks of Kentucky, for the use and benefit of said county for school purposes.

§ 2. This act shall take effect from its passage.

Approved February 9, 1856.

1856.

CHAPTER 133.

AN ACT to incorporate Olive Branch Encampment, No. 6, I. O. O. F.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That W. E. Robison, John Hart, John Hambric, James C. Gedge, J. W. Farrell, A. Shinkle, and their associates, be and they are hereby created a body corporate, by the name and style of Olive Branch Encampment, No. 6, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in the Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure. *Provided*, that they be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of the laws of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding fifteen thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, repeal this act is hereby reserved to the General Assembly.

Approved February 9, 1856.

CHAPTER 135.

AN ACT to incorporate the Hawkins Branch Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Body corporate.

§ 1. That Christian Engleman, Robert R. Gentry, Isaac McRoberts, John Engleman, and Thomas Bruce, with such others as they may associate with them for that purpose, are constituted a body politic and corporate, by the name and style of the Hawkins Branch Turnpike Road Company, for the purpose of making a road from a point on the turnpike road leading from Danville to Stanford, near Joseph Hughes' shop, and running the best and most direct route to the intersection of the Danville and Lancaster turnpike road, at or near Bruce's shop.

§ 2. The capital stock of said company shall be five

thousand dollars, divided into shares of fifty dollars each; and books for subscription to the same be opened by said persons, or a majority of them, at such time and place as they may deem fit, and appoint commissioners; and when two thousand dollars of the capital stock is subscribed, the company may organize by election of a President, Secretary, and five Directors.

§ 3. That the books for subscription of stock shall be opened by said commissioners on the 1st day of May, 1856, or on such other day and place as the persons herein named may fix and designate.

§ 4. That all the provisions of the charter incorporating the Stanford and Hustonville Turnpike Road, now in force, and not inconsistent with this charter, be and the same are hereby adopted and made a part of this act.

§ 5. This act to take effect from its passage—the Legislature reserving the right to amend, alter, or repeal said charter at any time.

Approved February 9, 1856.

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Capital stock.

Books to be opened.

When books to be opened.

Provisions of another act incorporated.

CHAPTER 136.

AN ACT to authorize the Trustees of Olivet Church to sell church and lot upon which it stands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Albert G. Lewis, John B. White, and others, Trustees of the Olivet Baptist Church, in Christian county, be and they are hereby empowered to sell said church edifice and the lot of ground upon which it stands, and apply the proceeds of said sale to the erection of a new church edifice in the same neighborhood, for the use of the congregation of said church.

§ 2. That said sale shall be made at the said church at such time as the Trustees may appoint, at least twenty days notice to be given prior of said sale. Said Trustees shall convey the same to the purchaser, retaining a lien upon the land for the payment of the purchase money.

Approved February 9, 1856.

CHAPTER 137.

AN ACT for the benefit of Ann White.

WHEREAS, It is represented that Roger C. White died intestate, holding title to the south-east corner of lot number one hundred and five (105) in the original plan of Newport, county of Campbell, the same being thirty-three feet front on Madison street, by one hundred feet deep;

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and in consequence of there being no one capable in law of taking said ground by descent from said R. C. White, the same has escheated to the State, subject to his debts and the equitable claims of his widow, Ann White, the same having been bought with her means: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all right and title of this Commonwealth in and to said part of said lot number one hundred and five in Newport, county of Campbell, acquired by escheat from said R. C. White, deceased, are hereby released to and vested in said Ann White, widow of said decedant; and the Auditor of State is hereby directed to make to her a deed of release and quitclaim, in accordance with this act: *Provided*, That nothing in this act shall affect any right which any other person may lawfully have to said property. This act to take effect from and after its passage.

Approved February 9, 1856.

CHAPTER 138.

AN ACT for the benefit of Henry Grinstead Sr., of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby directed to issue his warrant on the Treasurer, in favor of Henry Grinstead, Sr., of Hart County, for the sum of thirty-five dollars and forty-seven cents, to be paid out of any money in the Treasury not otherwise appropriated.

Approved February 9, 1856.

CHAPTER 139.

AN ACT for the benefit of Nimrod D. Wheeler, late Sheriff of Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Nimrod D. Wheeler, late Sheriff of Pendleton county, be and he is hereby allowed the further time of two years, from and after the passage of this act to collect his fee bills and arrears of taxes and other fees due him as Sheriff aforesaid; and may distrain for the same, subject to the same rules and regulations as now govern other officers in collecting fee bills, taxes, &c.

Approved February 9, 1856.

CHAPTER 140.

1856.

AN ACT for the benefit of the Sheriff of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William B. Glaves, late Sheriff of Harrison county, be allowed the further time of two years from this date to collect his fee bills.

Approved February 9, 1856.

CHAPTER 141.

AN ACT to amend an act creating a Sinking Fund for the county of Mason.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the Sheriff of Mason county shall pay over to the Treasurer of the Sinking Fund of said county, the taxes levied for interest on said county's railroad bonds and in aid of the sinking fund of said county, ty, as follows, viz: He shall pay one-third of the amount of taxes assessed for the purposes aforesaid, on the 15th of October; one-third on the 15th of November; and one-third on the 15th of December in the present and each succeeding year, subject to all the penalties prescribed by law for failing to pay over the State revenue.

§ 2. This act shall take effect from its passage.

Approved February 9, 1856.

CHAPTER 142.

AN ACT to amend the charter of the Hickman and Obion Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Hickman and Obion Railroad Company, approved March 9, 1854, be and same is hereby so amended as to authorize the Board of Directors of said company to sell their road absolutely to the Nashville and North Western Railroad Company of Tennessee: *Provided*, That no sale made by the board shall be binding on the stockholders, unless the same shall be submitted to a special meeting of the stockholders, and shall be voted for by a majority in interest of said stockholders.

§ 2. This act shall take effect from its passage.

Approved February 9, 1856.

LAWS OF KENTUCKY.

CHAPTER 143.

AN ACT to incorporate the Barren county Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners to open books.

Name and style and corporate powers.

Calls on stock.

§ 1. That George W. Trabue, Wilburn Bybee, Joseph R. Garnett, James R. Barrack, R. C. Snoddy, Thomas H. M. Winn, Hayden Dodd, J. G. Rogers, William R. McFerrin, William E. Munford, J. P. Hall, Joseph H. Lewis, D. M. Ashby, T. G. Moss, and John H. Gorin, be and they are hereby appointed commissioners, under the direction of any two of whom subscription books may be opened and subscriptions received to the capital stock of the Barren county Railroad Company, hereby incorporated; such books to be opened at such times and places, and upon such notices thereof, as they may deem right and proper: *Provided*, that any vacancy in the board of commissioners, by death, resignation, or failure to act, may be filled by the remaining member or members thereof.

§ 2. That as soon as four hundred shares of stock shall be subscribed, the subscribers of said stock, their successors and assigns, shall be and they are hereby incorporated into a company by the name and style of the Barren county Railroad Company; and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying real and personal estate, so far as the same shall be necessary for the purposes for which said company is incorporated; and shall have perpetual succession; and by said corporate name, may sue and be sued, may have and use a common seal, and alter, abolish, or renew the same at pleasure, and have and exercise all the powers, rights, and privileges which incorporated bodies may lawfully do, for the purposes mentioned in this act.

§ 3. That at every such subscription of stock, there shall be paid at the time of subscribing to said commissioners, the sum of one half dollar on every share subscribed, and the residue thereof shall be paid in such installments and at such times as may be required by the President and Directors of said company: *Provided*, no payment shall be demanded until at least twenty days notice of such demand shall be published, and not more than ten per cent. of the amount subscribed be called for at any one time; and if any subscriber shall fail or neglect to pay any installment or part of any subscriptions demanded according to the provisions of this section, for the space of sixty days next after the same shall be due and payable, the stock on which it is demanded shall be forfeited to said company, and may be sold for the benefit of the company; but the President and Directors may remit such forfeiture, on such terms as they may deem proper.

§ 4. The capital stock of said company shall be three

hundred thousand dollars, in shares of twenty-five dollars each, which may be subscribed for by any individual or corporation, and shall be considered as personal property.

§ 5. That at the expiration of twenty days from the time of opening said books, if four hundred shares of the capital stock shall have been subscribed, or as soon as the same shall be subscribed, it shall be the duty of said commissioners, or a majority of them, to call a general meeting of the stockholders, at such time and place as they may appoint, giving a reasonable notice thereof in such manner as may be deemed best; and at such meeting said commissioners shall lay the subscription books before the subscribers then present, and thereupon said subscribers, or a majority of them present, shall from among the stockholders elect seven Directors by ballot, to manage the affairs of said company; and the Directors so elected, or a majority of them, shall have power to elect a President of said company, either from their number or any other stockholder, and of allowing him such compensation for his services as they deem right; and in elections of officers, and all other occasions when a vote of stockholders is required, each stockholder shall have one vote for every share of stock owned by he, she, or it; and every stockholder may in writing depute any other person to vote for him, her, or it, as his, her, or its proxy; and the commissioners aforesaid, or any three or more of them, shall be the judges of said first election of Directors.

§ 6. That the President and Directors shall each hold their offices one year from the date of the first election, or until their successors are elected and qualified; and to continue the succession of said President and Directors, seven Directors shall be elected annually on the first Saturday in April of every year, by the stockholders of said company; and each successive board shall elect a President and fix his compensation; and if any vacancy shall occur by death, resignation, or refusal to act, in the office of President or Director, a person to fill such vacancy shall be appointed by said Board of Directors or a majority of them; and in all elections held by the stockholders of said company, judges of such elections shall be appointed by the President and Directors, or a majority of them: *Provided*, all elections which are by this act or by the by-laws of said company to be held on a particular day, if not held or made on such day, may be held or made in a convenient time thereafter, to be fixed by the President and Directors.

§ 7. That said company is hereby invested with all the rights and powers necessary for the construction and maintenance of a railroad from Glasgow to some point on the Louisville and Nashville railroad, to be by the Presi-

1856.

Capital stock.General meeting to be called, and President and Directors elected.Term of office.Vacancies how filled.Rights and powers.

1856.

dent and Directors determined, with as many sets of tracks as may be deemed necessary; and may, for the purpose of making or repairing the same, either by themselves or agents, or those with whom they may contract, enter upon, use and excavate any land which may be wanted for the site of said road, or the location of buildings necessary to said road, or for any other purpose necessary and useful in the construction or repair of said road or its works; may build bridges, may fix scales and weights, may lay rails, and may take and use any earth, timber, gravel, stone, or other materials which may be wanted for the construction or repair of said road, or any of its works: and may make and construct all works whatsoever which may be necessary or expedient in order to the proper completion of said road.

Officers to be appointed, and powers of corporation.

§ 8. That said President and Directors, or a majority of them, may appoint all such officers, engineer, agents, or servants whatsoever as they may deem necessary for the transaction of the business of said company, determine their compensation, regulate their duties and responsibilities, and may remove them at pleasure; and the said President and Directors, or a majority of them, shall direct the manner and by what evidence stock in said company may be transferred; they shall determine the location and character of the road proposed by this act to be constructed and maintained, and if necessary change said location after it is made, and negotiate and confirm contracts for the completion of the same, or any part thereof; build and construct said road and buildings or any part thereof upon such terms and in such manner as may be deemed best; and to that end may hire and employ hands, buy and own stock, materials, implements, provisions, and whatever else that may be necessary for that purpose; plan, locate, and direct any depots, stations, machine shops, or other buildings necessary for the use of said company; purchase any locomotives, cars, engines, or other rolling stock they may deem necessary; and shall pass and enact such rules and by-laws as they may deem best for carrying the objects of the said corporation into effect: *Provided*, Such by-laws do not conflict with the constitution and laws of the United States and of this Commonwealth.

Further pow-
ers.

§ 9. That the President and Directors of the company shall have power and authority to make any arrangement and to enter into any articles of agreement with the said Louisville and Nashville Railroad Company, for the running of cars, engines, or trains over their respective roads, to agree upon the price of transportation of freight or passengers passing from one road to the other, and may make any and every such contract or agreement with said company as may be deemed necessary for the successful and

profitable management of said road; and with the consent of a majority in value of the stockholders at a general meeting, said President and Directors are hereby authorized, at any time after the organization of the company, to consolidate the business, interests, rights, and profits of the Barren County Railroad Company with said Louisville and Nashville Railroad Company, upon such terms as may be agreed on, and as may be necessary for that purpose; and said Louisville and Nashville Railroad Company are hereby fully empowered to enter on her part into any of the aforesaid agreements and contracts.

1856.

§ 10. That said President and Directors may, either by themselves or such agents as they may appoint, open books and receive subscriptions to any of the capital stock which shall at any time remain unsubscribed for, upon such terms and conditions as to time and manner of payment, as they may deem fit, or to sell or dispose of such unsubscribed stock for the benefit of the company, at any sum not under par value; and the subscribers or purchasers of such stock shall have all the rights, powers, and privileges of original subscribers, and subject to the same regulations. They shall also have authority to receive subscriptions to the capital stock, payable in contracts, well secured, to build such parts of the railroad, or to perform such work in the construction thereof, as may be accepted by the company, or payable in any lands lying in convenient proximity to said road, or in the bonds of the subscribers, secured by double the amount in value of unincumbered real estate, redeemable by installments or otherwise as may be specified, within five years from the date thereof, and bearing interest at the rate of six per cent. per annum, or payable in any description of real or personal estate or work or service whatever, necessary in the construction and maintainance of said road.

§ 11. And the President and Directors may, if necessary, issue a preferred stock to an amount not exceeding one-third of the capital stock of said company, with such priority over the remaining stock in the payment of dividends as they may determine, and shall be approved or consented to by a majority in value of the other stockholders.

Preferred stock
may be issued.

§ 12. That if the exigencies of the company require it, for the successful or early completion of said road, the President and Directors are hereby authorized to borrow, on the credit of said company, for such length of time as they may think best, and at a rate of interest not exceeding eight per cent. per annum, a sum of money not exceeding one hundred thousand dollars; and if necessary purchase the whole or any part of the iron, rolling stock, and fixtures of said road, or contract for the construction and equipment of the same, upon the credit of the com-

May borrow
money.

1856.

pany, payable either in the bonds of the company, bearing interest at the rate aforesaid, or in the stock of the company, or partly in bonds, partly in stock; and may indorse the bonds of the town of Glasgow hereinafter mentioned; and for the purpose of securing the payment of the principal and interest as it accrues, of the bonds of the company so issued, and of the bonds of the town of Glasgow so indorsed, they may mortgage the whole or any part of the corporate property and franchises: *Provided*, That if said road and franchises are to be sold to pay any of the debts or liabilities, the purchasers thereof shall secure all the rights that belong to the company. The company may confer on any holder of any bond issued by said President and Directors, the right to convert the principal due or owing them into stock of said company, under such regulations as may be agreed upon by the company.

Town of Glasgow may take stock on certain conditions.

§ 13. That the President of the Board of Trustees of the town of Glasgow is hereby authorized and required to subscribe on behalf of said town, to the capital stock of said company, a sum not exceeding fifty thousand dollars, either in cash, or partly in cash and partly in the bonds of said town: *Provided*, That before such subscription shall be made, it shall be the duty of the Board of Trustees, or a majority thereof, upon the application of the President and Directors of said road, or a majority thereof, to submit the question of such subscription to the legally qualified voters of said town, at an election directed and held by said Trustees, having first advertised in the most public manner, and for at least fifteen days before the day of election, the time and place of taking such vote, the amount of such subscription, and the terms and conditions upon which it is to be made; and unless a majority of all the legally qualified voters of said town shall vote in favor of such subscription, it shall not be made.

§ 14. That it shall be the duty of said Trustees to appoint three fit persons to act as judges of the election provided for in the preceding section, who shall, after being first sworn to conduct the same faithfully and impartially, open and hold a poll at the time and place appointed by said Trustees, for one day, and shall return the same to the Clerk's office of Barren County Court within two days after the close thereof, who shall count the votes taken, and ascertain the number of legally qualified voters of said town, and compare the same; and if a majority of all the legally qualified voters of said town appear on said poll-book in favor of such subscription, it shall be so certified, and such certificate be entered of record in said Clerk's office by the Clerk thereof.

§ 15. Upon the result of said election being ascertained as aforesaid, it shall be the duty of the President of the

Board of Trustees of said town, upon the application of the President and Directors of said railroad, to make a subscription to the capital stock of said company, according to the terms prescribed by said Trustees in the proposition so submitted to the voters aforesaid.

§ 16. It shall be the duty of said Trustees to levy an *ad valorem* tax on the property, both real and personal, within said town that is listed for State purposes, including the amount given in under the equalization law, sufficient, after paying expenses of collection and making allowance for delinquencies, to pay the installments that may fall due for that year upon the amount of stock subscribed in cash, and the accruing interest on the bonds that may have been issued; and for the purpose of carrying out the provisions of this act, may appoint all such officers and agents as may be required, prescribe their duties, and take bonds for the faithful discharge of the same. And such collectors of tax as they may appoint shall have all the power and authority of distraining, advertising, and selling personal estate and slaves, which the Sheriff has in the collection of the State revenue; and whenever he shall be unable to find any personal estate or slaves liable to the tax of any individual, he may levy on and sell the real estate of such individual under the rules and regulations prescribed for the sale of the same under execution; but the owner of such real estate shall have five years to redeem the same, by paying the purchaser ten per cent. interest per annum, with all taxes and levies which shall have accrued subsequent to the sale: *Provided*, That any tax payer of said town who may have subscribed individually to the capital stock of said company, shall not be required to pay the whole of his said tax in addition to such individual subscription, but may have credit upon the tax due by him by such an amount of his said individual subscription as he may have subscribed and paid, and as is sufficient to set off the amount of tax to be paid by him at each assessment thereof.

§ 17. That the bonds hereby authorized to be issued may be indorsed by said company, and sold for the benefit of the road, or may be used for the purchase of iron, rolling stock, and materials, or for any other purpose necessary for the building or maintaining of said road: *Provided*, said bonds shall not bear a greater than the legal rate of interest, nor run more than ten years, nor sold or converted at less than their par value.

§ 18. That it shall be the duty of the Trustees of said town to appoint three persons commissioners of a sinking fund, who shall keep a record of their proceedings, appoint one of their number Treasurer, who shall execute a bond with security, to be approved by the Trustees, for the faithful discharge of his duties; said commissioners

Trustees of
town to levy a
tax to pay for
stock.

Bonds of the
town may be
sold by company

Trustees of
town to appoint
commissioners
of Sinking Fund

1856.

shall be required to settle their accounts with said Trustees at least once every year; shall be subject to removal by the Trustees at any time, and shall perform all the duties prescribed by them.

Commissioners to receive dividends on stock of town.

§ 19. It shall be the duty of said commissioners to receive the dividends upon all the stock held by said town which was paid in the bonds of said town, and apply the first to the payment of the interest of the bonds, and the surplus left shall be applied to the purchase of such bonds; and if they cannot be purchased at par or under, then to invest such surplus in some safe and profitable manner, so that when it shall at any time be wanted for the purchase or payment of the bonds, it can be converted into cash.

Duty of commissioners if dividends are insufficient to pay interest on bonds.

§ 20. In case the dividends upon the stock held by said town as aforesaid are not sufficient for the purpose of paying the interest on said bonds, and of meeting the payment of the principal thereof at maturity, then it shall be the duty of said Trustees to authorize said commissioners to draw the dividends upon the whole of the stock owned by said town or so much as may be necessary; and if necessary to levy a direct tax on the property of the citizens of said town, authorized by this act to be levied for the purpose aforesaid.

Duty of tax collector.

§ 21. That it shall be the duty of the collector of tax for said town to give to each tax payer a receipt for the amount of taxes paid by him, which shall be negotiable by indorsement; and upon the presentation of a receipt or receipts amounting to twenty-five dollars, to the President and Directors of such road, or such officer or agent as they may select for that purpose, by any person, he shall be entitled to a certificate of stock, and entered on the books of said company as a stockholder to the amount of receipts so presented.

Revisions of another act incorporated.

§ 22. That articles 7, 8, 9, 14, 15, 16, 18, 19, 23, 27, 28, and 29 of an act, entitled, an act to incorporate the Paris and Big Sandy Railroad Company, approved March 8, 1854, be and the same are hereby referred to and adopted and made parts of this act, as fully and completely as if the same were incorporated herein.

When freight may be collected

§ 23. That said company, by such agents as they may appoint, shall be entitled, as soon as five miles of said road is completed, to charge and receive, in their corporate capacity, to collect for the tolls and transportation of passengers, goods, produce, merchandize, and property of any kind whatever, transported over said road, such rates and prices of fare and freight as may be determined and agreed on by the President and Directors of said road. This act to take effect from and after the passage.

Approved February 9, 1856.

CHAPTER 144.

1856.

AN ACT for the benefit of Turnpike Road Companies in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Newport and Licking Turnpike and Plank Road Company may construct any part of said road by grading, bridging, and culverting, and may erect gates and charge half the toll now allowed for the part so constructed, until the same shall be macadamized with rock, after which they may charge full toll, as now allowed by law, and so for any part of said road that said company may construct.

§ 2. The provisions of this act are hereby extended and made applicable to all the other turnpike road companies in Campbell county. This act to take effect from and after its passage.

Approved February 9, 1856.

CHAPTER 145.

AN ACT for the benefit of the Circuit Court Clerk of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James Curry, late Clerk of the Circuit Court of Harrison county, be allowed two years further time to collect his fees bills from the passage of this act.

Approved February 9, 1856.

CHAPTER 147.

AN ACT to incorporate the Buena Vista Springs Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, to be denominated the Buena Vista Spring Company.

§ 2. The capital stock of said company shall consist of fifteen thousand dollars, to be divided into one hundred and fifty shares, of one hundred dollars each.

§ 3. The stockholders in said company, their successors and assigns, are hereby made a corporation and body politic, in law and in fact, by the name and style of the Buena Vista Spring Company, and by that name and style shall be capable in law to contract and be contracted with; to have, possess, enjoy, and retain, to themselves, their successors, and assigns, the present valuable property of Dudley Jeffries and William A. Edmonds, lying in the county of Logan, and known as the Buena Vista Springs, with all its lands, buildings, and improvements;

Name and style.

Capital stock.

Corporate powers.

1856.

to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts of record or any other place, and make, and have and use a common seal, and the same to alter or amend at pleasure; to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and proper for the government of said corporation, not being contrary to the laws of the United States or of this State.

Objects of corporation.

§ 4. The business of this company shall be to purchase, own, improve, and manage the property named in the third section of this act, as a watering place.

§ 5. Certificates of stock may be issued to such persons as may be entitled to them.

Certificates of stock to be issued.

§ 6. To carry into effect this act of corporation, J. B. Peyton, R. S. Moore, G. D. Blakey, Thomas Morton, O. Roberts, of Logan county, and E. M. Buckner, E. Ware, J. P. Gray, W. E. Warfield, N. E. Gray, James S. Phelps, T. S. Bryan, and John C. Latham, of Christian county, are hereby appointed Commissioners, any three of whom shall, on the 10th day of March next, or as soon thereafter as practicable, open books for the subscription of stock in said company, at the Buena Vista Springs Hotel, ~~or~~ such other place or places as any three of them may deem proper, and to remain open under them or such agents as they may appoint, until one hundred and twenty shares have been taken; and the subscribers to stock in said company shall enter into the following obligation in the books of the company, viz: "We whose names are hereunto subscribed, do hereby bind ourselves to pay the President and Directors of the Buena Vista Springs Company the sum of one hundred dollars for each share of stock in said company set opposite our names—payable in installments of \$25, when 120 shares have been taken, \$25 1st January, 1857, \$25 1st July, 1857, and \$25 1st January, 1858, for each share set opposite our names—each installment to bear an interest of six per cent. from date of maturity till paid." And when it shall appear that the requisite number of 120 shares have been taken, it shall be the duty of said commissioners to notify the stockholders of said subscriptions, and in said notice to fix a time and place for the meeting of the stockholders.

Obligation.

§ 7. When the stockholders shall meet in accordance with said notice, a majority of whom shall constitute a quorum to do business, they shall choose a President and two Directors, all of whom shall be shareholders, who shall hold their offices for twelve months, or till their successors shall be duly elected. The by-laws of said corporation shall fix the time and place of all such said elections, subsequent to the first, and of which time and place due and timely notice shall be given to the shareholders, but unless a majority of interest shall be represented, no

Stockholders to meet and elect officers.

election shall take place: *Provided, however, any stockholder may, in case of his absence, be represented by proxy.*

§ 8. Each stockholder shall have guaranteed to him or her an annual dividend of twenty-five per cent. on his or her amount of stock, payable to him or her, or the bearer of his or her written order, in board, at current rates, at the Hotel of the company, between the 20th May and 20th September: *Provided, That no stockholder shall be entitled to the guaranteed or other dividends who may be found in arrears to the company for any installment due and remaining unpaid at time of application.*

§ 9. The stock in said company shall be assignable only on the books of the company, and shall to all intents and purposes be considered as personal estate.

§ 10. The President and Directors shall each have the privilege of boarding for one month in the hotel of the company free of charge, between the 20th May and 20th September: *Provided, That no two or more of said board shall be so resident in the hotel of the company free of charge at the same time.*

§ 11. That the President and Directors present shall have power to fill permanently or temporarily, as the case may require, such vacancies as may occur—a board of less than three members being competent to do no business save to fill vacancies in its own body; also to appoint such agents and officers, under themselves, and to pay said agents or officers such compensation for their services, and exact from them such bonds or obligations for the faithful performance of their respective duties, as the interest and security of the corporation may require: *Provided, That among said agents or officers under said board there shall be included a Superintendent, who shall reside at the hotel of company the entire year, shall be a stockholder, shall receive a compensation of not less than one thousand dollars per year, to be increased at the discretion of the board, shall give bond and sufficient security in the sum of ten thousand dollars for the faithful performance of his duties, and shall be removable at the pleasure of the board of Directory. And the said President and Directors shall do and perform every act for the benefit of said corporation, which the corporation themselves if assembled for that purpose could lawfully do and perform. They shall annually, on or about the 25th December, declare such dividend, exclusive of the guaranteed dividends, as the profits of the company may authorize. It shall be lawful for them to effect insurance on any buildings of the company. They shall have power to erect such additional rooms or houses on the premises of the company, and pay for same out of any profits of the company, as they may deem necessary for the prosecution of*

1856.

Dividend guaranteed to stockholders.

How stock assignable.

President and Directors may board one month in Hotel free of charge.

Vacancies how filled. Powers of President and Directors.

1856.

its business. They shall have power to buy all such property or furniture, and execute the promissory note or notes of the corporation for same, as may be necessary for the wants and business of the establishment; and shall have power to sell such property or furniture if necessary; and shall have power to rent or lease, in whole or in part, any property belonging to the company. It shall be their duty to contract for and perfect the title of the corporation to the property in real estate mentioned in the third section of this act—the entire capital stock named in the second section being set apart for the purchase of said real estate. They shall, before entering upon the duties of their office as President and Directors, take an oath for the faithful performance of their duties, before some one competent to administer such oath.

Approved February 9, 1856.

CHAPTER 149.

AN ACT for the benefit of Richard Taylor and adopted daughter, Mary Richard Taylor.

WHEREAS, A female infant, whose parents are unknown, was found by Richard Taylor, of Woodford county, at his door; and whereas said child has been called Mary Richard Taylor, it being otherwise nameless; and whereas, also, the said Taylor is desirous of adopting said child and rendering it capable in law of inheriting his estate: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That said infant, by and under the name of Mary Richard Taylor, be and she is hereby rendered capable in law of inheriting the estate of the said Richard Taylor, as if said child were his own.

Approved February 14, 1856.

CHAPTER 150.

AN ACT to incorporate the Cypress Pond Draining Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
name and pow-
ers.

That George Payne, George Henshaw, Thomas R. Given, James D. Ames, A. L. Churchill, and Willis G. Hughes, and the inhabitants being within the boundary herinafter described, in Union county, be and they are hereby incorporated and made a body politic, by the name of the Cypress Pond Draining Company; and they and their successors shall have perpetual succession, and full

power and authority to drain and keep drained the lands within the boundary hereinafter described, at the costs and charges of the owners and proprietors of the lands within said boundary; and to make all necessary and proper contracts therefor; to sue and be sued, plead and be impleaded in all courts.

§ 2. That said company shall keep a record of their proceedings, and have power to appoint all necessary officers and agents for the purpose of carrying into effect the provisions of this act, who shall be under the control of the President and managers of said company, and be removed by said company at pleasure.

§ 3. That the Board of Managers of said company shall consist of the above named persons, who shall, out of their number, elect a President; and they shall be called the President and Managers of the Cypress Pond Draining Company, and shall have power to fill all vacancies that may occur in the board; any three of whom shall constitute a quorum for the transaction of business.

§ 4. That the following shall be the boundary of said company, viz: Beginning at a stake on the west side of the Morganfield and Caseyville road, where said road strikes the hill on the north side of Eagle creek; thence north-westwardly, to the bridge on the Shawneetown and Morganfield road, near the house of Aaron W. Harris; thence south-westwardly, to the spring on the tract of land owned by Calmes' heirs, at the foot of the east end of Bald Hill, and where the same reaches the low lands; thence south-westwardly, to the house of --- Oglesby, near the Shawneetown and Belville road; thence south-eastwardly, to the north side of John Henshaw's house, on said road; thence south-eastwardly, to the south end of the Cypress creek bridge, on the Morganfield and Caseyville road; thence with said road to the foot of the first high lands north-eastwardly of said bridge; thence north-westwardly, along the foot of said high lands, to a point where the same enters the Scatters of Cypress; thence up the valley of Cain creek, and along the high lands on the south side thereof, to the Morganfield and Caseyville road aforesaid; thence north-westwardly, to the foot of the wet lands, known as the Ash Flat, where the same strikes the "Scatters," near the lower end of the ponds known as the Fish ponds; thence up the south-west side of said Ash Flat, and with the meanders thereof, to its head; thence by a north-east course to the house of one Cusech, at the foot of a hill on the Morganfield and Caseyville road, near the Jerusalem school house; thence around the base of the steep part of said hill to a point where the line would intersect the Morganfield and Caseyville road; thence with said road to the beginning.

§ 5. That for the year 1856, and each year thereafter

1856.

Vacancies.

Boundary.

1856.

Tax per acre.

The Sheriff of
Union county to
collect the tax.

Objects and
purposes of the
company.

for ten years, there shall be collected on each acre of land lying within said boundary, a tax of not exceeding twenty-five cents per acre, which shall be fixed by said board.

§ 6. That said board shall cause an assessment to be made of each acre of land within said boundary, and the name of the owner, and list the same for collection with the Sheriff of Union county, who shall collect and pay over the same to the order of said board, at the same time and under the same penalties, rules, and regulations he is bound to collect and pay over the revenue tax; and he shall have the same power to collect said taxes that he has to collect executions that may come to his hands, and shall be entitled to the same compensation as is allowed for collecting money under execution; and all such sums of money and damages for failing to collect and pay over said tax may be recovered by said board of said Sheriff and his securities, by motion in the Union Circuit Court, in the same manner as money collected and withheld on execution.

§ 7. That with the money collected as provided in this act, said board shall drain said Eagle creek, Cypress pond, and Cypress creek within said boundary, in such manner as they or a majority of them shall deem most practicable, and best promote the objects of this act.

§ 8. That said board shall appoint one of their own body, or other person, clerk of said board, who shall act without compensation, and keep a full and complete record of the proceedings of the board, which shall be open to the inspection of any one whose land is taxed by this act.

§ 9. That said board shall at their first meeting, or as soon thereafter as practicable, provide for and direct the boundary set forth in the fourth section of this act to be run and plainly marked, and the names of the owners and quantity of land owned in said boundary by each person which shall be returned to said board; and the clerk of said board shall furnish a copy thereof to the Clerk of the Union County Court, who shall carefully file and preserve the same, free for the inspection of all persons interested therein; and if any person shall feel himself aggrieved thereby, he may file his petition before the Judge of the Union County Court, setting forth his grievances, of which notice shall be given to said board ten days before the hearing thereof, and on the petitioners showing to said Judge, that he is charged with more land than he owns in said boundary, said Judge shall correct the assessment, and certify the quantity of land owned by said petitioner in said boundary from which either party may appeal to the Union Circuit Court.

§ 10. That the deed of the Sheriff for any land sold under the provisions of this act, shall be evidence that

the provisions of this act have been complied with, but may be rebutted by other evidence; and the owner of any land sold under the provisions of this act shall have two years from the day of sale to redeem the same, upon paying to the purchaser or purchasers the amount of said sale, and ten per centum per annum from the date of sale to the date of such payment; and also any other subsequent taxes paid on said land by said purchaser, and ten per cent. per annum thereon from the time paid until redeemed.

§ 11. That any person whose land is taxed by this act may pay the amount of his taxes to the President of said board, before the annual assessment is placed in the hands of the Sheriff, if he desires to do so, on which no commission shall be charged by the Sheriff.

§ 12. That said board shall hold their first meeting in the town of Morganfield, as soon after the passage of this act as practicable; and after that may meet at such times and places as they may direct.

§ 13. The Legislature reserves the right to alter, amend, or repeal this act at pleasure.

Approved February 13, 1856.

CHAPTER 154.

AN ACT to incorporate the Ashland Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William T. Nichols, Hugh Means, Nicholas Savage, James Debard, John Means, Hiram Ferguson, Christopher C. Chinn, John C. Bayless, Jonathan Morris, Richard Jones, D. K. Weis, Kirk Valdemar, and their associates, be and they are hereby created a body politic and corporate, under the name and style of the Ashland Cemetery Company, and by that name said company shall have perpetual succession, and shall be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, defend and be defended in all courts of this Commonwealth, and elsewhere. They shall have power to purchase any quantity of land in the county of Greenup, not exceeding fifty acres, and receive a conveyance therefor, with such covenants of warranty as they may deem proper. The land and appurtenances, when conveyed to said company, shall be held solely and exclusively for a cemetery, and ornamental grounds connected therewith, and shall never be alienated, sold, or used for any other purpose whatever; but the company may permit their superintendent or other officers to use any portion of their grounds, not sold for burial

Corporators' names, and corporate powers.

1856.

lots or horticultural purposes, but the same shall not be used in a manner inconsistent with the reverence and respect due to the cemetery of the dead. The grounds, fixtures, shrubbery, and every thing growing therein, shall be exempt from taxation; and after the ground shall be fully paid for, no part thereof shall ever be subject to sale, by virtue of mortgage, judgment, execution, or decree, for any cause whatever. No road or other pass-way shall ever be opened through said grounds, unless by consent of said company, and shall not in any event pass over or interfere in any way, with any lot which may have been sold by said company for burial purposes. The said company may take and receive by gift or devise any land or other property, to be held and appropriated to the ornamenting, improving, or extending the grounds of the company—subject to the restriction aforesaid—and may vest in State or bond stock, or loan any spare funds they may at any time have, but shall never exercise any banking powers.

When books
to be opened.

§ 2. That within ninety days after the passage of this act, the persons named in the preceding section, shall cause books to be opened in the town of Ashland, for the purpose of receiving subscriptions to the stock of said company; said books shall be opened at the office of the Kentucky Iron, Coal, and Manufacturing Company, in said town. The shares of said company shall be, each, twenty-five dollars; and said books shall be kept open until at least fifty shares shall have been subscribed, when they may be closed: *Provided, however,* That any person may thereafter make private subscriptions upon the books of said company.

Meeting of
stockholders to
be called.

Quorum.

§ 3. That so soon as the books shall be closed, the said corporators, or such of them as may act, shall, at such time and place as they may appoint, call a meeting of the shareholders, and hold an election for trustees, who shall continue in office for three years, and until their successors shall be elected and qualified. Said Board of Trustees shall elect one of their own number as President, and shall have power to fill all vacancies in their body. Four Trustees shall constitute a quorum for the transaction of business. Death, resignation, or removal from the county of Greenup, shall vacate the office of Trustee; and none but shareholders residing in Greenup county, shall be eligible to the office of Trustee. Elections of Trustees shall be held every three years, and if, for any cause, an election shall not be held at the proper time, then said Trustees shall appoint some other time for the election; and the elections shall be held under the direction of the Board then in office; and a majority of the shareholders who vote, shall elect. Reasonable public notice shall always be given, of the time and place of holding elec-

tions. Every owner of a lot or lots of the value of twenty-five dollars, shall be a shareholder; and each shareholder shall be entitled to one vote for each share he may own; but no person or corporation, shall be entitled to more than three votes. Each Trustee, before he enters upon the duties of his office, shall make oath before some Judge or Justice of the Peace, that he will faithfully and impartially discharge the duties of his office.

1856.
Every owner
of a lot a share-
holder.

Trustees may
appoint officers.

Duties of trust-
tees.

May lay out
and ornament
the grounds.

§ 4. That the Trustees shall have power to appoint a Superintendent, Clerk, Treasurer, and such other officers as they may deem proper, and regulate their terms of office, and may take from any or all of them bond with good security for the faithful discharge of their duties. They shall keep a regular record of their proceedings, and of all sales, transfers, and disbursements, and shall prepare and keep an accurate map and survey of the grounds and lots, and have the same recorded in the Clerk's office of Greenup county. They shall have power to make by-laws for the regulation and sale of lots, and for the control, care, and management of the grounds and graves, and the mode of ornamenting the same, and establish rules in relation to the interment of bodies, and make such other by-laws and regulations as may be necessary for the purposes of the company; they shall have power to enter upon any of the lots and remove any ornaments, fixtures, or shrubbery that may be placed on said lots, against the by-laws or regulations of said company.

§ 5. That so soon as the ground is purchased, and the Trustees elected and qualified, they shall have power to lay out and ornament the same, or any part thereof, and from time to time erect, repair, or add such buildings or fixtures as may be necessary for the use or ornament of the cemetery grounds, or shall have power to sell burial lots at either public or private sale, and execute conveyances to purchasers. When the lots shall be laid off, and before any sale shall be made, it shall be the duty of the Trustees to assign by lot, or in some other equitable manner, and convey to each subscriber to the stock of the company, one or more lots corresponding in valuation with the amounts of their respective subscriptions, which conveyance shall be in full satisfaction thereof.

Certificate to
issue on the pur-
chase of a lot.

§ 6. That when a burial lot is sold or allotted by said company, the Trustees, or a majority of them, shall execute to the purchaser, a certificate thereof, under the seal of the company, which shall vest the purchaser with title; which certificate shall be recorded in the Clerk's office of the Greenup County Court; and the seal of the company being annexed to said certificate shall be a sufficient authentication to admit it to record; and for recording each certificate of title, together with his own official

1856.

certificate appended thereto, the Clerk of said court may charge a fee of fifty cents, and no more. All subsequent transfers shall be required to be proved or acknowledged and recorded in the manner required by the laws of this State in relation to the conveyance of real estate. The title to lots held by individuals shall pass by sale, devise, or descent, as in case of other real estate; but they shall never be used for any other purpose than burial lots; and if applied to any other purpose, the title shall revert to the company.

Proceeds of lots to be applied to improvement of grounds.

§ 7. That the proceeds of the sales of lots, and all money that may come to the company from any other source, shall be applied for all time to come to the ornament and improvement of the grounds; the erection of the necessary buildings and inclosures; the payment of its incidental expenses; and to the purchase of additional grounds, if enough should not be secured in the original purchase.

Town of Ashland and county of Greenup may take stock.

§ 8. It shall and may be lawful for the corporate authorities of the town of Ashland, and for the County Court of Greenup county, to subscribe to the stock of said company, to an amount not exceeding one hundred dollars each; and in the event of such subscriptions being made, it shall be the duty of said company to assign to them proper lots, according to the amounts by them respectively subscribed, and give certificates of title therefor; and said lots, so assigned and conveyed, shall be forever set apart as a place of burial for paupers, strangers, or sojourners who may die within the county of Greenup; and to all such the same respect shall be paid as to those who may be the owners of lots; and the money to pay such subscriptions shall be raised by said County Court and town authorities in the same manner in which they raise their town and county revenue. It shall also be lawful for all Lodges of the Independent Order of Odd Fellows, of all Chapters of Royal Arch Masons, of all Lodges of Free and Accepted Masons, and of all divisions of the Sons of Temperance in said county, each to subscribe for and hold stock in said company to the amount of one hundred dollars; and upon such subscriptions being made, they shall be entitled to all the rights and privileges, and subjected to the same rules and regulations which may be adopted for the government of individual stockholders.

Benevolent associations may purchase lots.

Penalty for injuring graves, &c.

§ 9. That if any person shall forcibly, and without lawful authority, violate any of the graves of the dead, or any vault which may be erected on the grounds of the company, or wilfully deface any of the tombstones, monuments, or inclosures, or wilfully injure any of the ornaments, shrubbery, fixtures, or buildings, or in any way damage the grounds or other property of the company, such persons so offending, and those who may aid or abet

therein, shall be liable to indictment for a misdemeanor, and upon conviction shall be punished by fine or imprisonment, or both, according to the discretion of a jury; and shall also be liable to the company in an action for damages, to be tried by a jury in the Greenup Circuit Court, which damages, when recovered, shall be applied by the company to repair, as far as possible, the injury that has been done, and the residue to the general uses of the company. If a slave offend against the provisions of this section, he shall in like manner be liable to indictment, and shall, upon conviction, be punished with stripes at the discretion of a jury.

1856.

Approved February 15, 1856.

CHAPTER 156.

AN ACT creating the office of Police Judge in the town of Wyoming, in Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the first Monday in August, 1856, the qualified voters of the town of Wyoming, in Bath county, shall have a right to elect a Police Judge for said town of Wyoming, who shall continue in office until the first Monday in August, 1858, at which time, and every four years thereafter, the qualified voters of said town shall elect a Police Judge.

Police Judge
may be elected.

§ 2. That the candidates for said office shall have the same qualifications as those for the office of County Court Judge.

Qualifications.

§ 3. That said Police Judge shall enter upon the duties of his said office on the first Monday succeeding said election, but before doing so he shall take the same oath of office that is required to be taken by the Judges of County Courts.

When to enter
upon the duties
of office.

§ 4. That said Police Judge shall have the same jurisdiction and receive the same fees for his services that the Police Judge of Owingsville has; and his fees shall be collected in the same manner that the fees of Justices of the Peace now are.

Jurisdiction
and powers.

§ 5. That said election shall be held by the Clerk and a majority of the Trustees of said town, which Trustees shall give a certificate to the successful candidate of his election.

Who to hold
election.

§ 6. At the same time and place at which said Police Judge shall be elected, there shall also be elected a Marshal for said town, who shall have power to execute all process issued by said Judge, and shall exercise all the powers of a Constable, within the surrounding limits of said town, and shall hold his office for the term of two

Marshal to be
elected.

1856. years, and be elected on the first Monday in August every two years after his first election.

Approved February 15, 1856.

CHAPTER 157.

AN ACT giving additional jurisdiction to the Police Judge of Owingsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Police Judge of the town of Owingsville, in addition to the jurisdiction heretofore conferred by law, shall have and is hereby invested with concurrent jurisdiction for police purposes, in business arising within said town, with the Presiding Judge of the Bath County Court.

Approved February 15, 1856.

CHAPTER 159.

AN ACT for the benefit of James Clarke, late Sheriff of Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James Clark, late Sheriff of Casey county, be allowed the further time of two years, from and after the passage of this act, to collect all arrearages of taxes, fee bills, and county levies which are in his hands uncollected; and that said Clarke be allowed to place said taxes, fee bills, and county levies in the hands of any Sheriff or Constable of Casey county for collection, at any time within the period aforesaid; and that this act take effect from its passage.

Approved February 15, 1856.

CHAPTER 160.

AN ACT for the benefit of William Moody, late Sheriff of Monroe county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William Moody, late Sheriff of Monroe county, be and he is hereby allowed the further time of two years, from and after the passage of this act, to collect the arrearages of the county levy, revenue tax, and fee bills due him; and that he be authorized to distrain for the same.

Approved February 15, 1856.

CHAPTER 161.

1856.

AN ACT for the benefit of G. P. Jolly, late Sheriff of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Gideon P. Jolly, late Sheriff of Breckinridge county, be allowed the further time of two years, from and after the passage of this act, to collect all arrearages of taxes, fee bills, and county levies due him in said county; and that said Jolly be allowed to place the same in the hands of any sheriff, deputy sheriff, or constable of said county for collection; and that said taxes, fee bills, and county levies shall retain their distrainable force for said period of two years.

Approved February 15, 1856.

CHAPTER 162.

AN ACT to amend the road law of Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the road law now in force in the county of Harrison, be and the same is hereby repealed.

§ 2. That the road law now in force in the county of Bracken, be and same is hereby made the law for the county of Harrison, as fully and effectually as if the same were recited in this act.

Approved February 15, 1856.

CHAPTER 163.

AN ACT for the benefit of John Osman of Boone county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that doubts have arisen and do exist as to whether the dwelling house of John Osman, situated on his farm, parts of which is situated both in the county of Boone and Gallatin, is in Boone county or in Gallatin; and whereas, said Osman has been put to great inconvenience in consequence of said doubt as to whether his house was in Gallatin or Boone: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, the residence aforesaid of said Osman shall be considered as being in the county of Boone, and the said John Osman a citizen of said county of Boone.

Approved February 15, 1856.

1856.

CHAPTER 164.

AN ACT to incorporate the Savings Bank of Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners to receive stock subscriptions.

§ 1. That John W. Finnell, J. E. Spilman, H. P. Longmoor, and C. W. Clayton are hereby appointed Commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or a majority of them, may meet at some convenient time and place in the city of Covington, of which four weeks previous notice shall be given in the city papers of Covington, at which time they may open books and receive subscriptions to the stock of said institution, and shall keep them open for four hours daily, for at least one month, and as much longer as said commissioners shall think proper and necessary, or until the stock is taken.

Capital stock.

§ 2. The capital stock of said institution shall be not less than thirty thousand dollars, nor more than one hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be personal estate, and shall be transferable only on the books of the company, in such manner and subject to such regulations as the board of Directors may prescribe.

When books may be closed.

§ 3. At the expiration of said one month, or as soon thereafter as thirty thousand dollars shall have been subscribed to the stock of said company, the books of subscription may be closed and delivered to the subscribers, who shall thereupon constitute a body politic and corporate, by the name of the Savings Bank of Kenton, they and their successors shall so continue for the term of thirty years, and, under the restrictions hereinafter provided, may contract and be contracted with, sue and be sued, plead and be impleaded, and exercise the other powers usually incident to such corporations.

Officers to be chosen.

§ 4. Upon the receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet and elect four persons, (who shall be stockholders,) to serve as Directors of said institution, until the first Monday in January following, and until their successors shall be elected. The annual meetings of the stockholders of said bank shall thereafter be held on the first Monday in January of each year, but meetings may be called at any time, by any number of persons holding one-third in value of the stock, upon giving similar notice to that provided in the first section hereof; and in all meetings of stockholders, each person shall be entitled to one vote for each share of stock held by him. The officers shall hold their offices for one year, and until their successors are elected, but may be removed by a majority at any regular or called meeting of the stockholders. They may choose one of

their number, or of the other stockholders, as their President; may appoint a Secretary and such other officers as they may require, fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the manner and terms of paying in the stock, and shall have the general control of all the affairs of the bank.

§ 5. The Directors shall annually appoint two or more stockholders to attend and hold the annual election.

§ 6. At each annual meeting of the stockholders, a committee shall be appointed who shall, at least twice in the year, examine into and report upon the condition of the institution, which report shall be filed in its office, and remain subject to the inspection of all the stockholders.

§ 7. The business of said bank shall be to receive money and bank notes on deposit—and it may allow the depositor such interest thereon as may be agreed upon—to deal in gold and silver coin, bullion, bills of exchange, and promissory notes, to buy and sell the stock of other companies, and the bonds of this State, or of the United States; but it shall not issue notes or bills; or certificates of deposit, or any other instruments intended for circulation as money. All promissory notes purchased or discounted by said bank, payable at the same or at any other banking institution in this State, shall be put on the footing of foreign bills of exchange. The Directors shall annually or semi-annually declare dividends of the profits arising from the business of the bank.

Condition of
the institution to
be examined in-
to.

§ 8. The said bank shall receive on deposit any sum offered during banking hours, if not less than one dollar, and infants and *femes covert* may deposit therein, and may control the deposit so made, unless restrained by some competent tribunal. Should any person make a deposit in said bank and be refused payment thereof on demand made for the same according to the terms of deposit, and without lawful excuse, said bank shall forfeit and pay to the depositor the full value or amount of his deposit, with damages at the rate of fifteen per cent. per annum for the detention, to be recovered by suit in the Kenton Circuit Court.

When divi-
dends to be de-
clared.

§ 9. The said bank may purchase, hold, sell, and convey any real or personal estate that may be necessary to carry into effect the object of its creation, and no other, and it may receive conveyance of such property as may be proper or necessary to secure any debt due it, or which may be sold for the payment of any such debt.

§ 10. This charter, and all privileges and rights therein granted, shall be forfeited by any violation of the provisions thereof by any of the officers of the institution; and the failure upon the part of the officers, or refusal by them to pay any tax imposed upon the capital stock of

1856.

CHAPTER 164.

AN ACT to incorporate the Savings Bank of Kenton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners to receive stock subscriptions.

Capital stock.

When books may be closed.

Officers to be chosen.

§ 1. That John W. Finnell, J. E. Spilman, H. P. Longmoor, and C. W. Clayton are hereby appointed Commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or a majority of them, may meet at some convenient time and place in the city of Covington, of which four weeks previous notice shall be given in the city papers of Covington, at which time they may open books and receive subscriptions to the stock of said institution, and shall keep them open for four hours daily, for at least one month, and as much longer as said commissioners shall think proper and necessary, or until the stock is taken.

§ 2. The capital stock of said institution shall be not less than thirty thousand dollars, nor more than one hundred thousand dollars, divided into shares of fifty dollars each, which shares shall be personal estate, and shall be transferable only on the books of the company, in such manner and subject to such regulations as the board of Directors may prescribe.

§ 3. At the expiration of said one month, or as soon thereafter as thirty thousand dollars shall have been subscribed to the stock of said company, the books of subscription may be closed and delivered to the subscribers, who shall thereupon constitute a body politic and corporate, by the name of the Savings Bank of Kenton, they and their successors shall so continue for the term of thirty years, and, under the restrictions hereinafter provided, may contract and be contracted with, sue and be sued, plead and be impleaded, and exercise the other powers usually incident to such corporations.

§ 4. Upon the receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet and elect four persons, (who shall be stockholders,) to serve as Directors of said institution, until the first Monday in January following, and until their successors shall be elected. The annual meetings of the stockholders of said bank shall thereafter be held on the first Monday in January of each year, but meetings may be called at any time, by any number of persons holding one-third in value of the stock, upon giving similar notice to that provided in the first section hereof; and in all meetings of stockholders, each person shall be entitled to one vote for each share of stock held by him. The officers shall hold their offices for one year, and until their successors are elected, but may be removed by a majority at any regular or called meeting of the stockholders. They may choose one of

their number, or of the other stockholders, as their President; may appoint a Secretary and such other officers as they may require, fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof; may prescribe the manner and terms of paying in the stock, and shall have the general control of all the affairs of the bank.

§ 5. The Directors shall annually appoint two or more stockholders to attend and hold the annual election.

§ 6. At each annual meeting of the stockholders, a committee shall be appointed who shall, at least twice in the year, examine into and report upon the condition of the institution, which report shall be filed in its office, and remain subject to the inspection of all the stockholders.

§ 7. The business of said bank shall be to receive money and bank notes on deposit—and it may allow the depositor such interest thereon as may be agreed upon—to deal in gold and silver coin, bullion, bills of exchange, and promissory notes, to buy and sell the stock of other companies, and the bonds of this State, or of the United States; but it shall not issue notes or bills; or certificates of deposit, or any other instruments intended for circulation as money. All promissory notes purchased or discounted by said bank, payable at the same or at any other banking institution in this State, shall be put on the footing of foreign bills of exchange. The Directors shall annually or semi-annually declare dividends of the profits arising from the business of the bank.

§ 8. The said bank shall receive on deposit any sum offered during banking hours, if not less than one dollar, and infants and *femes covert* may deposit therein, and may control the deposit so made, unless restrained by some competent tribunal. Should any person make a deposit in said bank and be refused payment thereof on demand made for the same according to the terms of deposit, and without lawful excuse, said bank shall forfeit and pay to the depositor the full value or amount of his deposit, with damages at the rate of fifteen per cent. per annum for the detention, to be recovered by suit in the Kenton Circuit Court.

§ 9. The said bank may purchase, hold, sell, and convey any real or personal estate that may be necessary to carry into effect the object of its creation, and no other, and it may receive conveyance of such property as may be proper or necessary to secure any debt due it, or which may be sold for the payment of any such debt.

§ 10. This charter, and all privileges and rights therein granted, shall be forfeited by any violation of the provisions thereof by any of the officers of the institution; and the failure upon the part of the officers, or refusal by them to pay any tax imposed upon the capital stock of

Condition of
the institution to
be examined in-
to.

When divi-
dends to be de-
clared.

1856.

CHAPTER 169.

AN ACT to amend an act, entitled, an act to amend and reduce into one the several acts relating to the town of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the eleventh section of an act, entitled, an act to amend and reduce into one the several acts relating to the town of Glasgow, approved January 7th, 1852, shall be so amended as to read as follows: Said Trustees shall have the exclusive power to license, or not, as they may deem right and proper, all taverns, houses of entertainment, coffee houses, retailers, victuallers, confectioners and houses of public resort in said town, and shall have the exclusive right to license all merchants, grocers, and druggists to sell ardent spirits in quantities not less than a quart; and may tax the grantees specified in this section, such sums as they may provide: *Provided*, that if said Trustees shall at any time license any tavern, merchant, grocer or druggist, they shall pay to the Clerk of the Barren County Court the amounts for each license, now imposed by the laws of this Commonwealth.

Approved February 15, 1856.

CHAPTER 171.

AN ACT to incorporate the Winchester and Mt. Sterling Central Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby formed for the purpose of making a Macadamized, plank, or gravel turnpike road, in all or in part of either material, from the town of Winchester to Mt. Sterling, to follow the stage road as near as practicable, (making only necessary changes,) until it reaches the farm of Asa C. Barrow, and thence from that point to a red gate near W. R. Duncan's corner, on the northern line of Harrison Thompson's farm; and thence to Mt. Sterling.

§ 2. That the capital stock of said company shall be fifty thousand dollars, which shall be placed under a board of Directors to be appointed in the manner herein-after directed.

§ 3. That books for the subscription of stock shall be opened at any time after the passage of this act, at the town of Winchester, under the direction of the following commissioners, viz: Burgess Acton, Asa C. Barrow, John P. Wills, Harrison Thomson, James Bush, John H. Goff, and Sanford Thomson, Dr. Thomas H. Robinson, Gen. Thomas Hart, John W. Redman, John B. Foster, John F.

Objects and
purposes of the
company.

Capital stock.

Opening of
books.

Commission-
ers.

Watts, Alexander B. Ramsey, Green B. Fry, Gen. Obadiah Tracey, Sam. W. Ramsey, William N. Thomson, John Martin, Samuel Boone, Samuel Stevenson, Lynch Jouett, Thomas Gardner, and Otho Beall. The books to be first opened in the town of Winchester, and then to be reopened at such places and times as the commissioners may direct, six of said commissioners to constitute a quorum for the transaction of business connected with the road, so far as taking of stock for said road is concerned; also, that books for the subscription of stock shall be opened at any time after the passage of this act, at the town of Mt. Sterling, under the direction of the following commissioners, viz; Nelson Prewett, W. Halley Smith, Newton Congleton, James Bean, Thos. Turner, James Prewett, John A. Donahoe, and David Howell. The books to be first opened in the town of Mt. Sterling, and then to be reopened at such places and times as the commissioners may direct, six of said commissioners to constitute a quorum for the transaction of business connected with the road, so far as taking stock. The commissioners at each of the places shall procure one or more books, and in each of them enter as follows, viz: "We whose names are hereunto subscribed, promise to pay to the board of Directors of the Winchester and Mt. Sterling Central Turnpike Road Company the sum of one hundred dollars for every share set opposite our names, in such manner and proportions, and at such times as shall be determined on by said board, and agreeably to an act of Assembly incorporating said company. Witness our hands this — day of —, 185—." The books of subscription shall remain open until the whole capital stock shall be taken; and persons or corporations may subscribe at any time or place, in the presence of any one of the commissioners; and the Trustees of the towns of Winchester and Mt. Sterling, by their Treasurers or Clerks, may subscribe for any number of shares that either may deem proper, and levy the amount thereof upon the property within their limits or jurisdiction, subject to town tax.

§ 4. When one hundred and eighty shares of said stock shall have been taken, the said commissioners shall give due notice, in the weekly newspapers printed in Mt. Sterling and Lexington, that the number of shares required for organization have been subscribed, and that a meeting of the stockholders will be held at such place and time as said commissioners shall designate in said notice, for the purpose of organizing a Board of Directors for the construction of said road, by the acceptance of this charter, and the election of ten Directors, six of whom shall be from Clarke county, and four from Montgomery county, one of whom shall be the President of the Board, to be designated as such by the stockholders at the time

Obligation.

Organization.

comes.

1856.

Election.Term of office.Corporate
name and pow-
ers.

of the election of said Board ; and also by the election of a Treasurer ; at which election, at least three of said commissioners shall be present, who shall take the vote by ballot of all the stockholders, who shall have the right to vote in person or by proxy in writing, each stockholder having one vote for each share of stock he holds to the number of five shares, and for each share exceeding five shares the holder shall be entitled to two votes. The said Board of Directors shall hold their offices for one year from the day of their election, and until others shall be duly elected and qualified.

§ 5. To enable the Directors to carry out the objects of this charter, when organized as above provided for, it shall be and is hereby declared a body politic and corporate, in deed and in law, by the name and style of the Board of Directors of the Winchester and Mt. Sterling Central Turnpike Road Company, and under that name and style shall have perpetual succession, and all the privileges, immunities, and franchises of a body politic and corporate ; and shall be capable of taking and holding the said capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper to carry out the intent of this act, and of purchasing and holding to them and their successors in office, and assigns, and also of selling, transferring, and conveying in fee simple, all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to the prosecution of their work ; of suing and being sued, of pleading and being impleaded, of defending and being defended in all courts of law or equity, and in all places whatever ; also to have and use a common seal, and the same to alter and renew at pleasure ; and to make all such by-laws, not inconsistent with the constitution and laws of this State, or of the United States, as may be necessary for the government of the affairs of said board ; and do all and every other act and thing which a turnpike company may lawfully do.

§ 6. That the Clarke and Montgomery County Courts are hereby authorized and empowered (each for itself) to authorize their Clerks to subscribe for as many shares of stock in said company as private individuals, partnerships and corporations may subscribe, which subscriptions, when made, shall be binding on said county or counties ; and the said County Courts of Clarke and Montgomery counties, before proceeding to make the subscriptions herein authorized, may submit the propriety of their doing so to the vote of the qualified voters of their respective counties, and have such vote taken in the same manner that elections for Sheriffs are required by law to be conducted, and at such time or times as the court or

Montgomery
and Clarke
counties may
subscribe stock.Vote to be taken.

courts may direct; and if a majority of all the votes cast be in favor of such subscriptions of stock, it shall be the duty of said court or courts to make such subscription or subscriptions, and levy the amount thereof upon the property within their respective counties, subject to the payment of State revenue tax; and the Sheriff or other officer appointed to collect the same, shall collect and pay over to the Treasurer of said county within the same time and under the same liabilities and penalties prescribed for the collection and payment of the State revenue tax; and shall have the same power to enforce the collection thereof, and shall receive as compensation for his services, five per cent. upon the amount collected and paid over; and the County Court may distribute the sum subscribed, in the assessment of taxes to pay it, through two or more years.

1856.

Tax.

The collector,
his duties and
compensation.

§ 7. The Board of Directors may fix the width of their road not less than thirty feet in the whole, and the part covered with stone, gravel, or plank not less than fifteen feet; and they shall keep a record of their proceedings, which shall at all times be open to the inspection of each and all the shareholders; may erect toll gates for each five miles of road completed, and collect the same rates of toll as the Winchester and Lexington Turnpike may lawfully do; and acquiring the right of way, stone quarries, land for toll gates and in every other respect shall have and possess all the rights, privileges, powers and immunities of any other turnpike road company within this State.

Width of road

§ 8. This act shall take effect from and after its passage: *Provided*, that the Legislature may at any time hereafter alter, amend, or repeal this act.

Right of way

Approved February 15, 1856.

CHAPTER 172.

AN ACT to incorporate Robinson Lodge, No. 266, of Free and Accepted Ancient York Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Robinson Lodge, No. 266, of Free and Accepted Ancient York Masons, in the city of Louisville, are incorporated by the name of Robinson Lodge, No. 266, and by that name may sue and be sued, acquire, hold, sell, convey, and otherwise dispose of all such real and personal estate as they may now have or hereafter acquire: *Provided*, The amount vested in real estate, exclusive of buildings thereon, shall not exceed, at one time, ten thousand dollars.

§ 2. That the management of the concerns of said corporation is confided to John M. Alexander, Michael Cot-

1856.

ter, George W. Ronald, James C. Robinson, Joseph A. Barnett, Thomas R. Parrent, and John D. Pope, as Trustees, and their successors, to be elected annually by said Lodge, with power to the remaining trustees to fill vacancies in their body until the annual election.

§ 3. That said trustees, or a majority of them, may contract as to the property of said Lodge and convey any of the real estate, by deed, in which all of them join; and they may pass such by-laws and regulations, not against law, as may be expedient in the management and care of the property and interests of the Lodge; may keep a common seal and alter it at pleasure; and service of process on, or notice to any two of them shall be sufficient service on, or notice to the corporation. The Legislature reserves the right to amend or repeal this charter at pleasure; and it shall take effect from its passage.

Approved February 15, 1856.

CHAPTER 173.

AN ACT to give further power to the Jessamine County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May purchase bonds.
Tax to be levied.
Sheriff may collect.
Compensation
Sheriff to give bond.

§ 1. That the Jessamine County Court be and it is hereby authorized and empowered to purchase, for the use of said county, from the Lexington and Danville Railroad Company, twenty-five seven per cent. bonds, of the denomination of one thousand dollars each: *Provided*, A majority of all the qualified voters of Jessamine county, as reported by the Commissioner of tax for said county, in the year 1855, shall, by written petition, request said County Court to purchase said bonds.

§ 2. That the County Court of Jessamine county (if directed by petition as required in the first section of this act to purchase said bonds,) shall levy an ad valorem tax on the taxable property of said county, sufficient to pay for said bonds; the one-half thereof to be levied in the year 1856, and the other half in the year 1857, the same to be collected by the Sheriff of said county at the same time and in the same manner that he may collect the State revenue and county levy; and the said Sheriff be and he is hereby vested with all rights, powers, and privileges in the collection of said tax that he now has in the collection of State revenue, and that he be allowed three per cent. on said amount collected by him.

§ 3. That said Sheriff, before he proceed to collect the tax provided for in this act, shall execute a covenant, with good and sufficient security, to be approved by said county, to the Commonwealth, faithfully to perform all the

duties required of him by the provisions of this act; which covenant shall be retained by said County Court, and such suits and proceedings had thereon against said Sheriff and his surety for a breach thereof, as is authorized by law against Sheriffs in this Commonwealth for failing to collect and pay over the county levy.

§ 4. That said Jessamine County Court shall require of said Lexington and Danville Railroad Company, before it orders said tax to be paid to said company in the purchase of said bonds, a guaranty or obligation that the same shall be expended in the construction of said railroad, located within the limits of said county.

§ 5. That said County Court may appropriate the interest accruing on said bonds in reduction of the county levy; or upon the written petition of a majority of the qualified voters of said county, said court shall appropriate said bonds and all interest thereon, net otherwise disposed of, to the construction of turnpike roads in said county of Jessamine, and for that purpose may sell and transfer said bonds.

§ 6. That said Sheriff shall pay over said tax to whoever he may be ordered or directed by said County Court, on or before the first day of January next after the same is ordered to be collected.

A guaranty required of the company.

Turnpikes.

Time for paying in tax.

Approved February 15, 1856.

CHAPTER 174.

AN ACT supplementary to an act, entitled, an act to incorporate the Blue Lick Hotel and Water Company, approved March 1st, 1854.

WHEREAS, It appears that the Blue Lick Hotel and Water Company has not been organized; and it appears desirable that said company should still be organized: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the owners or lessees of the Lower Blue Lick Springs, or any of them, being not less than three persons in number, may at any time within two years from the passage of this act, (in lieu of the persons and manner named in the act to which this act is supplementary,) proceed to organize said Blue Lick Hotel and Water Company; to open books for the subscription of stock, in shares of such amount as they may deem expedient; and to do all other things necessary to complete the organization of said company. When the amount of twenty thousand dollars is subscribed, an election may be held for the regular officers heretofore named, by the votes of such stockholders as shall have paid ten per cent. of the amount subscribed by them; and when so organized, said company

1856.

shall be entitled to all the privileges, rights, and immunities, and shall be governed, in all respects, by the provisions of the act to which this act is supplementary.

Approved February 15, 1856.

CHAPTER 178.

AN ACT to transfer the title of certain lands to the Trustees of Bethel High School, at Russellville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the title to all the lands now and formerly belonging to the Trustees of the Logan Seminary, and of all lands belonging to the Trustees of the Newton Academy, which were left unsold by them the said Trustees, be and the same is hereby transferred and conveyed to the Trustees of the Bethel High School, at Russellville, and the aforesaid Trustees of Bethel High School are hereby vested with full power to sell and convey all such lands, and to use the proceeds thereof for the benefit of the Bethel High School, at Russellville.

Approved February 23, 1856.

CHAPTER 179.

AN ACT for the benefit of Edmond M. Chestnut, of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Leander Jackson, son of Jemima Jackson, born the 7th day of November, 1854, at the house of John Jackson, in the county of Laurel, be and the said Leander is hereby made capable in law to inherit of the estate of Edmond M. Chestnut, the same as if the said Leander was the legitimate son of Edmond M. Chestnut, born unto him in lawful wedlock.

Approved February 23, 1856.

CHAPTER 180.

AN ACT for the benefit of James B. Wilder, guardian of Marinda B. Wilder.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall and may be lawful for James B. Wilder, of the city of Louisville, as guardian of Marinda Burnett Wilder, infant daughter of Oscar Wilder, deceased, with any moneys now in his hands or which may hereafter

come to his hands which belongs to his said ward, to purchase and hold for her and on her account four hundred shares of the capital stock of the Bank of Kentucky, Northern Bank of Kentucky, Bank of Louisville, Southern Bank of Kentucky, or Farmers Bank of Kentucky. He shall have power to purchase the whole number of the shares of the stock in either of said banks or parts of said number of shares in some or all of the banks aforesaid, in equal or unequal amounts as he may deem best for the interest of said ward: *Provided*, said purchase be sanctioned and approved by the Chancery Court, by proper proceedings had in said court.

1856.

Approved February 25, 1856.

CHAPTER 181.

AN ACT to amend the charter of the Perryville Seminary.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of Perryville Seminary be so amended as to authorize the Board of Trustees to confer honorary degrees.

§ 2. To hold as a corporate body property or money to the amount of fifty thousand dollars.

§ 3. This act shall take effect from its passage.

Approved February 25, 1856.

CHAPTER 182.

AN ACT to amend the charter of the Danville, Dix river, and Lancaster Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the twelfth section of said act as requires said road to be located along the old road, by the most practicable route, to the town of Lancaster, be and the same is hereby repealed.

§ 2. That the President and Directors shall locate said road, beginning at the toll gate on the Stanford road, near Danville, thence the most practicable route to the town of Lancaster.

Approved February 25, 1856.

1856.

CHAPTER 184.

AN ACT to amend the charter of the Louisville and Frankfort Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the eleventh section of "an act to amend the charter of the Louisville and Frankfort Railroad Company," approved 29th February, 1848, be and the same is hereby repealed.

§ 2. It shall be lawful for said company to purchase or rent any ground in the city of Frankfort near to or adjoining the depot of the Lexington and Frankfort Railroad Company, or at any other point on Broadway or Market street, between the Kentucky river and High street, and erect depot buildings thereon; and may extend their rails along said Broadway or Market street beyond and east of its intersection with St. Clair street to the point they may secure for a depot: *Provided*, they do so without interfering with the rights of the said Lexington and Frankfort Railroad company, in the use of their track along said Market street or Broadway, east of St. Clair street, and obtain the consent of the Mayor and Council of the city of Frankfort.

§ 3. The purchase of the six thousand shares of the capital stock in the said Louisville and Frankfort railroad, owned by the city of Louisville, as made by the President and Directors of said railroad company from said city of Louisville, with the unanimous consent of the stockholders of said company, as given by their vote on the 15th day of November, 1854, is hereby legalized.

§ 4. That said company shall have the same authority to charge for receiving, forwarding and storing packages consigned to them or their agents, or deposited in their warehouse or depots, or with their agents for safe keeping, to be forwarded, as the Lexington and Frankfort Railroad Company has under the 20th section of an act approved 28th February, 1848.

§ 5. That said company is authorized, for the purpose of rebuilding or repairing their bridge across the Kentucky river, to make the same more permanent, to erect a pier at any point in said river west of the present eastern pier of their present bridge: *Provided*, they obtain the consent of the Board of Internal Improvements, or it does not intercept the navigation of said river.

§ 6. That said company shall be liable for all damages done to any stock or other property injured or killed by their locomotives or trains of cars, running on their road, when the same is done by their carelessness or the carelessness of their agents or employees, but shall not be liable to pay damages for any such killing or injury done by unavoidable accident: *Provided*, that nothing in this

May purchase
ground in
Frankfort

The purchase
of stock from
Louisville legal-
ized.

Rates of fare.

May erect an
additional pier
in the Kentucky
river.

Liabilities.

act contained shall be so construed as to interfere with the liabilities of said company as common carriers.

§ 7. All suits brought against said company, for stock or other property injured or killed on aforesaid road, must be brought within six months next after such injury or killing is done.

§ 8. It shall be lawful for the President and Directors of said company, (the consent of a majority of the stockholders being first obtained by a vote at some regular or called meeting of such stockholders, as prescribed by their charter,) to indorse the bonds of the Lexington and Big Sandy Railroad Company, or take stock in the same to such amount as a majority of said stockholders shall authorize and direct, when such vote is taken.

§ 9. This act shall be subject to repeal or amendment at the pleasure of the Legislature, saving any rights vested under it.

1856.

Suit.

May endorse bonds.

Approved February 23, 1856.

CHAPTER 185.

AN ACT to amend the charter of the Covington and Cincinnati Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act of Assembly, approved February —, 1846, incorporating the Covington and Cincinnati Bridge Company, be and the same is hereby so amended as to increase the capital stock of said company, making the capital stock seven hundred thousand dollars, divided into shares of one hundred dollars each.

§ 2. The said company may sell one hundred thousand dollars of its capital stock to the city of Covington, to be subscribed and paid as may be agreed by said company and said city; and in payment of said one hundred thousand dollars, the said city may sell her bonds to the amount of one hundred thousand dollars, the amount of every bond, and the times and places of the payment of principal and interest, to be fixed by said city; and the city is hereby authorized to levy a tax of ten cents upon every one hundred dollars worth of taxable property therein, in 1856 and in 1857 for the purpose of paying the interest on such bonds.

Increase of capital stock.

Approved February 23, 1856.

1856.

CHAPTER 186.

AN ACT supplemental to an act, entitled, an act to amend an act incorporating the town of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the first section of an act, entitled, an act to incorporate the town of Mayfield, passed at the present session of the Legislature, be so amended as to authorize the County Judge of Graves county to administer to the person or persons to whom the Trustees of said town may grant coffee house license, the oath required by said first section to be taken before the Police Judge of said town; this act to take effect from its passage.

Approved February 23, 1856.

CHAPTER 188.

AN ACT to renew the charter of the Mechanic's Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Charter renewed.

§ 1. That the charter of the "Mechanic's Bank," Louisville, be and the same is hereby renewed for a term of twenty years, from and after the first day of July, eighteen hundred and fifty-six, when the present charter will expire.

§ 2. The Directors of said bank elected on the first Monday in January, 1856, under the old charter, shall continue in office until the first Monday in May, 1857, when a new board of Directors shall be elected under the renewed charter, when instead of ten Directors only seven shall be elected to manage the affairs of said bank. The Directors shall elect a President of their number and fill vacancies in their body.

§ 3. The President and Directors may adopt a seal and change the same at their pleasure; appoint all necessary agents and officers, fix their salaries and take bond and security for the faithful discharge of their duties; make all necessary by-laws, and may open the books for the purpose of having new stock taken, and prescribe the mode of paying for said stock.

§ 4. No stock shall be transferred except on the books of said bank.

§ 5. Said bank shall have a lien on the stock for debts due them before other creditors except the State and for taxes.

§ 6. This corporation shall have all the rights and privileges of the other chartered banks of this State. They may discount notes, buy bills of exchange and receive

deposits, except they shall not issue notes as a circulating medium.

§ 7. Any note or bill discounted by said bank shall be placed on the same footing as a foreign bill of exchange.

§ 8. Said bank shall not buy any real estate except such as may be necessary for the purposes of a banking house or houses, but may take real estate for debt and hold it until it can be disposed of.

§ 9. The capital stock of said bank shall not exceed one million of dollars.

§ 10. The stock shall be divided into shares of one hundred dollars each, and the owner of each and every full share shall have one vote for each share.

§ 11. Each Director shall be the owner of at least five shares of the stock of said bank, and have it standing to his credit on the stock books of said bank at least six months previous to the election.

§ 12. The election of seven Directors under this charter, shall be held on the first Monday in May of each year, and two or more of the Directors shall be appointed by the board of Directors to conduct said election.

§ 13. They may receive on general or special deposit gold or silver coin or bank notes, and pay the same in such manner as may be agreed upon, and twice in each year they may make a dividend of profits.

Approved February 23, 1856.

1856.

CHAPTER 189.

AN ACT to incorporate the Mechanics' Fire Company No. 1, of Jersey city and Paducah, Ky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. Lett, President, James Staton, Vice President, J. A. Beurden, Secretary, T. J. Atkins, Treasurer, A. S. Jones, Chief Engineer, J. H. King, Assistant Engineer, and their associates, be and they are hereby created and declared a body corporate and politic, by the name of "Mechanics' Fire Company No. 1, of Jersey city and Paducah, Ky.," and as such shall be capable in law of suing and being sued, pleading and being impleaded in any action or suit, in law or equity, in any court having jurisdiction. They shall have power to hold and possess such property as is necessary, whether real or otherwise, and shall be competent to contract and be contracted with, to enact by-laws, and to adopt such rules and regulations as may be deemed necessary and proper: *Provided*, Such rules, by-laws, and regulations are not contrary to the ordinances of the Board of Trustees of Paducah, the constitution and laws of this State, or of the United States.

Body corporate.

Name and style.

Corporate powers.

1856.

Record to be
kept.Officers—how
elected, and
term of office.Engines, &c.,
exempt from de-
mands against
Jersey City, Pa-
ducah and Mc-
Cracken county.Members ex-
empt from serv-
ing on juries,
&c.Common seal
may be made.

Said company shall keep a record of their proceedings, to be attested at each meeting, by the presiding officer, and which record shall at all times be accessible to any member of said company.

§ 2. The officers of said company shall consist of a President, Vice President, Secretary, Treasurer, a Standing Committee of five members, and nine directors, and such other officers as said company may deem necessary, who shall be elected by the qualified voters of said company, on the first Monday of May annually, and shall hold their offices until their successors are duly and legally chosen. They may reduce the number of officers at pleasure: *Provided*, That a failure to make or hold an election on the day herein named, shall not work a forfeiture of the privileges of the corporation, but in case of such failure from any cause, the President, or if he be absent, removed, resigned, or refuses to act, the Vice President shall have power to appoint another day for an election, as he may think fit, giving at least ten days public notice, written or printed, and the officers so elected, shall hold their offices until the first Monday of May thereafter, and no longer. Said company may provide by its by-laws for a removal of any of its officers from office.

§ 3. The engine, tackle, furniture, apparatus, and property of said company are hereby exempt from all claims and demands against Jersey city, Paducah, or McCracken county, and from the individual indebtedness of any member of said company, and is alone responsible or liable for the debts created by said company through its authorized agent or agents.

§ 4. The members of said company are hereby exempt from serving on all juries, (unless by their consent,) and from the performance of militia duty in time of peace.

§ 5. Said company shall have power to use a common seal, which they may break, alter, or renew at pleasure. And this act shall be taken, construed, and received as a public act, and the Legislature reserves the right to alter, amend, or repeal this act at pleasure.

§ 6. This act shall take effect from and after its passage.

Approved February 23, 1856.

CHAPTER 190.

AN ACT to incorporate the Relief Company No. 2, of Paducah, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Henry S. Lewis, David C. Peters, F. Chris-

man, J. H. Gardner, and their associates, be and they are hereby created and declared to be a body corporate and politic, by the name of "Relief Company No. 2," of the City of Paducah, Kentucky; and as such shall be capable in law of suing and being sued, pleading and being impleaded, in any action or suit, in law or equity, in any court having competent jurisdiction. They shall have power to hold and possess such property as is necessary, whether real or otherwise, and shall be competent to contract and be contracted with, to enact by-laws, and to adopt such rules and regulations as may be deemed necessary and proper: *Provided*, Such by-laws and regulations are not contrary to the ordinances, of the Trustees of said city, the constitution and laws of this State or of the United States. They shall keep a record of their proceedings, to be attested at each meeting by the presiding officer, and which record shall at all times be accessible to any member of said company.

§ 2. The officers of said company shall consist of a President, Vice President, Secretary, Treasurer, standing committee of three members, and seven directors, and such other officers as said company may from time to time deem necessary, who shall be elected by the qualified voters of said company, on the first Monday of April annually and shall hold their offices until their successors are legally chosen: *Provided*, That a failure to make an election on the day herein appointed, shall not work a forfeiture of the privileges of the corporation; but in case of such failure from any cause, the President, or, if he be absent, removed, resigned, or refuses to act, the Vice President shall have power to appoint another day for an election as he may think fit, giving at least ten days public (written or printed,) notice thereof; and the officers so elected shall hold their offices until the first Monday of April thereafter, and no longer.

§ 3. The engine, tackle, furniture, apparatus, and property of said company are hereby exempt from all claims and demands against the city of Paducah or county of McCracken, and from the individual indebtedness of any member of said company, and alone responsible for the indebtedness of the company, created by its authorized agents.

§ 4. The members of said company are exempted from serving on all juries, (unless by their consent,) and from the performance of militia duty in time of peace.

§ 5. Said company shall have power to use a common seal, which they may break, alter, or renew at pleasure.

§ 6. This act shall be taken, construed and received as a public act; and the Legislature reserves the right to alter, amend, or repeal this act at pleasure.

1856.

Body corporate
Name and
style, and cor-
porate powers.

Officers.

Engines, &c.,
exempt from all
claims against
Paducah and
McCracken
county.

Members ex-
empt from serv-
ing on juries,
&c.

May have and
use a common
seal.

1856.

§ 7. This act shall take effect from and after its passage.

Approved February 23, 1856.

CHAPTER 191.

AN ACT to amend an act, entitled, an act to amend and reduce into one the several acts respecting the town of Hickman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first, article fifth, of an act, entitled, an act to amend and reduce into one the several acts respecting the town of Hickman, approved March 10, 1854, be and the same is hereby so amended as to authorize and empower the council of the city of Hickman to assess and collect taxes on such real and personal estate of said city as they may designate, not exceeding one dollar and fifty cents on each one hundred dollars valuation for revenue purposes, and one dollar and fifty cents for each tythe; but such taxes shall be uniform on every description of property assessed by them.

§ 2. That this act shall take effect from its passage.

Approved February 25, 1856.

CHAPTER 192.

AN ACT for the benefit of Alfred Kendall, Executor of Henry Woodyard, late Sheriff of Grant county, and for other purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed two years to collect revenue and county levy.

Allowed two years to collect fee bills.

§ 1. That Alfred Kendall, Executor of Henry Woodyard, late Sheriff of Grant county, and late Clerk of the Grant County Court, be and he is hereby allowed two years from the passage of this act to collect the revenue and county levy, and the fee bills of the said Henry Woodyard, as late Sheriff of said county, for the years 1848 and 1849.

§ 2. That he be and is hereby allowed two years from the passage of this act to collect the fee bills of the said Henry Woodyard, as Clerk of the County Court of said county, for the years 1851, 1852, 1853, 1854, and 1855, and that he be authorized and allowed to place said Sheriff's and Clerk's fee bills, and the accounts for said revenue and county levy, in the hands of any officer or officers authorized by law to collect officers' fee bills and revenue and county levy; and that said officer or officers be authorized and empowered to collect the same according to the laws regulating the collection of fee bills and revenue and

county levy, as though they had not lost their distraintable qualities.

§ 3. In case of the death or resignation of the said Kendall, the provisions of this act shall enure to the benefit of any administrator that may be appointed on the estate of said Woodyard. This act shall take effect from its passage.

1856.

Approved February 25, 1856.

CHAPTER 193.

AN ACT to incorporate the town of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Ashland, in Greenup county, is hereby incorporated, with the following boundaries—beginning on the bank of the Ohio river, about one hundred feet below the present residence of Harvey Poage; thence south, until it strikes the branch; thence up said branch to Lawrence Avenue; thence up Lawrence Avenue to what was formerly the division line between the lands of Richard Jones and Nicholas Savage; thence with said line, toward the Ohio river, to the corner of the fence standing on said line; thence up the river, with the fence running parallel with the river, to Savage's branch; thence down said branch to the Ohio river; thence down the river to the beginning.

Incorporated.

Boundary.

§ 2. That there shall be five trustees elected in said town, who shall, before they enter upon the discharge of their duties, take an oath before some Justice of the Peace of said county, that they will faithfully and impartially discharge the duties of the office aforesaid. That said trustees and their successors shall be a body politic and corporate, and shall be known by the name and style of the Board of Trustees of the Town of Ashland; and by that name shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, answering and being answered, of defending and being defended, in all courts of this Commonwealth.

Trustees to be elected.

Body corporate.

§ 3. That there shall be elected for said town a Police Judge and town Marshal, and all persons in said town who have a right to vote for members of the General Assembly of this State, shall be competent electors for Trustees, Police Judge and Marshal for said town. Said Police Judge shall be elected at the same time at which the presiding Judge of the Greenup County Court shall be elected, and hold his office for the same period of time for which said presiding Judge shall hold his office. Said

Police Judge and Marshal to be elected.

1856.

town Marshal shall be elected at the same time at which the Sheriff of Greenup county shall be elected, and hold his office for the same period of time for which said Sheriff shall hold his office. The elections for said Police Judge and Marshal shall be held at the same time and by the same officers at which and by whom the elections for said presiding Judge and Sheriff shall be held. The first election for said Police Judge and Marshal shall be held on the first Monday in August, 1856, the first Police Judge so elected holding his office until the next general election for said presiding Judge, and until his successor shall be qualified. In case of a vacancy in either of said offices, said electors shall fill it by another election—ten days' notice thereof being given in some newspaper published in Greenup county, or, if no such paper be published therein, then, in writing to be posted up in two of the most public places in said town.

To be commissioned by Governor.

To take oath.

Powers.

§ 4. That before the Police Judge enters upon the discharge of the duties of his office, he shall receive a commission from the Governor of Kentucky, which shall be given, upon the Trustees certifying to the Governor that he has been legally elected to fill said office. Said Police Judge shall, before he enters upon the duties of his office, take such oath as may be required by the constitution and laws of this State, of County Judges. Said Police Judge shall have jurisdiction of all cases, criminal, as well as civil and penal, which may occur within the limits of said town, like as Justices of the Peace have. He shall have jurisdiction of all offences arising under the by-laws of said town. May issue warrants, enter up judgments, and issue executions accordingly. The cases arising under violation of any of the by-laws of said town, shall be tried as soon as practicable. He shall hold a court for the trial of all civil causes once in every three months. The time of holding said court shall be fixed by the County Court of Greenup county. It shall be the duty of said Police Judge to keep a fair and just record of all his proceedings, certified copies of which shall be evidence in other courts. He shall have power to compel the attendance of witnesses, as Justices of the Peace have, and fine persons for contempt, in any sum not exceeding five dollars. He shall have power to order a jury to be summoned, in like cases as Justices of the Peace. He shall have twenty-five cents for each warrant, twenty cents for each subpoena, twelve cents for each judgment, and twenty cents for each execution for offenses in violation of any of the by-laws of said town; and for other services he shall have the same fees as Justices of the Peace are allowed, and shall in the same manner be responsible for illegal fee bills made out and collected.

§ 5. That said Trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct the improvement of the same in such manner as they may deem most beneficial to said town. They shall have power to make all by-laws for the regulation and good government of said town, not inconsistent with the constitution and laws of this Commonwealth. They shall have power to levy and collect a tax upon the property of the citizens of said town, and also upon the property of non-residents of said town, not exceeding fifteen cents on each hundred dollars worth of property: *Provided*, That they shall have no power to levy a tax upon the grounds within the limits of said town belonging to the Kentucky Iron, Coal, and Manufacturing Company—and known upon the plat of said town as the Park—so long as said company shall continue the same to the use of the citizens of said town: *and provided further*, That the wharf in front of said town, on the Ohio river, shall not be taxed for town purposes. They shall have power to tax auction sales, shows, and exhibitions for money, such sums as they in their by-laws may fix. They shall also have power to tax the owners of all store-boats, who may stop at said town with the same for the purpose of selling goods; also shows and exhibitions for money which may stop at said town in boats. They shall have power to suppress all tippling houses, and to fine all those who may violate their by-laws in relation thereto, any sum not exceeding thirty dollars for each offence, to be recovered before the Police Judge of said town. They shall have power to provide for the security of said town against fire, by organizing one or more fire companies, defining their duties, and punishing by adequate fines and other penalties those who shall fail to perform the duties required of them. They shall have power to regulate the market, and appoint a master and such other officers as may be deemed necessary for that purpose. That it shall be the duty of said Trustees to appoint a Treasurer, Clerk, and such other officers as they may deem necessary, and take from them, respectively, bond with security, payable to the Commonwealth of Kentucky, in such penalty as said Trustees may direct, conditioned for the discharge of their duties; and for a violation of duty on the part of any of said officers, motions may be made or suits brought before any tribunal having jurisdiction thereof, in the same manner, and under the same rules and regulations, that motions are made or suits brought against Sheriffs, Constables, or other officers for failure of duty; and moreover, the said Trustees, or a majority of them, shall have power and authority to remove either of them for a failure to do their duty, and to appoint others in their place.

§ 6. That it shall be the duty of said Treasurer and

1856.
Powers and
duties of Trus-
tees.

1856.

*Duties of the
Treasurer and
clerk.**Chairman of
board.**Appeals may
be had from
judgments of
Police Judge.**Marshal to
serve process,
&c.**Police Judge
may direct pro-
cess to any Con-
stable.**Fines to be
paid to Treas-
urer.*

Clerk to keep a record of the proceedings which properly belong to their respective offices; and it shall be the duty of said Treasurer to render an account to said Trustees of all moneys received and paid out by him, whenever by them requested so to do.

§ 7. That it shall be the duty of said Trustees to appoint one of their body Chairman of the Board; and no money shall be drawn from the Treasurer except by the order of said Chairman, made in pursuance of allowance made by said Board.

§ 8. That upon all judgments rendered by said Police Judge, either party shall have the right of appeal, in the same manner as parties have from the judgments of Justices of the Peace in similar cases.

§ 9. The Marshal shall serve all process and precepts to him directed by said Police Judge, and make due returns thereof; collect all taxes assessed in said town, executions and other demands which may be put in his hands to collect, and account for and pay over the same to the persons entitled thereto, under the same rules and regulations required by law of Sheriffs in the collection of taxes, and of Constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against Sheriffs and Constables in similar cases. Said Marshal shall be entitled to the same fees for collecting the town tax that Sheriffs are entitled to for collecting the county levy; and in all other cases the same fees that are allowed to Constables for similar services: *Provided*, That said Police Judge shall have power to direct his process to any Constable of Greenup county; and said Marshal shall have and possess the same powers given to Constables in all cases cognizable before said Police Judge: *and provided further*, That said Marshal shall have the power to execute all such process which may be directed to him from any Circuit or Quarterly Court, and return the same, in the same manner that Sheriffs execute and return the same; and for any failure upon his part to execute and make due return of all process thus directed to him from said courts, said Marshal shall be subject to the like penalties as Sheriffs are for a failure of duty in similar cases.

§ 10. All fines and forfeitures, in cases cognizable before said Police Judge, shall be collected and paid to the Treasurer of said Board, for the use and benefit of said town, any laws to the contrary notwithstanding. All moneys collected by a judgment of a Justice of the Peace, for any violation of the penal laws, committed within the limits of said town, shall be, in like manner, paid over to the Treasurer.

§ 11. That all acts or parts of acts, coming within the

purview of this act, be and the same are hereby repealed.
This act to take effect from its passage.

1856.

Approved February 23, 1856.

CHAPTER 195.

AN ACT declaring the "South Kentuckian" an authorized newspaper.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the "South Kentuckian," a newspaper published in Princeton, Kentucky, and edited by S. C. Mercer, and published by S. C. & B. Mercer, be and the same is hereby declared to be an authorized newspaper, for the publication of all orders, decrees, judgments, notices, sales, &c.

§ 2. This act to take effect from its passage.

Approved February 23, 1856.

CHAPTER 196.

AN ACT for the benefit of the Methodist Episcopal Church, South, in the town of New Castle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the present Trustees of the Methodist Episcopal Church, South, in the town of New Castle, consisting of William A. Perry, Ambrose O'Bannon, and others, to sell and convey their meeting house, and the grounds connected with the same, for the purpose of reinvesting the same in the purchase of other suitable grounds, and the erection of a new house of worship in said town. When the said Trustees shall purchase other grounds for the erection of a house of worship, they shall have the title thereto vested in three Trustees, to be chosen by a majority of the members present at a meeting of the church, for the use of the church, according to its usages. This act to take effect from its passage.

Approved February 23, 1856.

CHAPTER 197.

AN ACT for the benefit of George W. McConnell, late Sheriff of Woodford county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That George W. McConnell, late Sheriff of Woodford

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county, be and he is hereby allowed two years from and after the passage of this act to collect his fee bills and arrears of taxes, county levies, and other fees due him as Sheriff as aforesaid, and may distrain for the same, subject to the same rules and regulations that now govern other officers in collecting fee bills, taxes, &c.

Approved February 23, 1856.

CHAPTER 198.

AN ACT to incorporate the Winchester and Red River Iron Works Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company formed.

Capital stock.

Who to open books, and when.

Obligation.

§ 1. That a company is hereby formed, for the purpose of making a macadamized, plank, or gravel turnpike road, in all, or in part of either material, (and omitting either material, when the ground may not require it,) from the town of Winchester to the Red River Iron Works, under the name and style of the Winchester and Red River Iron Works Turnpike Road Company.

§ 2. That the capital stock of said company shall be fifty thousand dollars, which shall be placed under a Board of Managers, to be chosen in the manner hereinafter directed.

§ 3. That books for the subscription of stock shall be opened, at any time after the passage of this act, at the town of Winchester, under the direction of James H. G. Bush, Benjamin Turner, Thos. J. Foster, Josiah A. Jackson, James Flanagan, and James Stewart; at the school house on the farm of Wm. F. Noe, under the direction of Jonathan W. Hunt, Geo. Fox, James Quisenberry, Sr., Andrew J. Taul, Franklin H. Ramsey, Elijah Miller, and Marcus C. Evans; at Kiddville, under the direction of John H. Goff, Obadiah Curry, Payton Adams, James Pace, Martin W. Mize, and John T. Morehead; at Red river iron works, under the direction of Green E. Fanney, James H. Scholl, Zadeck Kidd, Samuel J. Vaughn, Thomas C. Hunter, and Mathew McKinney; at Irvine, under the direction of A. A. Curtis, Henry C. Chiles, John H. Riddle, James L. Wheeler, E. D. Stockton, and Morton M. Price. The commissioners at each of the places shall procure one or more books, and in each of them enter as follows, viz: We whose names are hereunto subscribed, promise to pay the Board of Managers of the Winchester and Red River Iron Works Turnpike Road Company, the sum of one hundred dollars for every share of stock set opposite to our names, in such manner and proportions and at such times, as shall be determined on by said

board, and agreeably to an act of Assembly incorporating said company. Witness our hands this — day of — 185—. The books of subscription shall remain open until the whole capital stock shall be taken; and any person or corporation may subscribe at any time or place, in the presence of any one of the commissioners, and the Trustees of the town of Winchester, by their Treasurer or Clerk, may subscribe for any number of shares they may deem proper, and levy the amount thereof upon the property within the limits or jurisdiction of said town subject to town tax.

§ 4. When fifty shares of said stock shall have been taken, the said commissioners shall give ten days public notice, that the number of shares required for organization has been subscribed, and that a meeting of stockholders will be held at such place as said commissioners shall designate in said public notice, for the purpose of organizing a Board of Managers for the construction of said road, by the acceptance of this charter, and the election of five managers, one of whom shall be President of the board, to be designated as such by the stockholders at the time of the election of said board, and also by the election of a Treasurer; at which election at least three of said commissioners shall be present, who shall take the vote by ballot of all the stockholders, who shall have the right to vote in person or by proxy in writing, each stockholder having one vote for every share of stock he holds. The said Board of Managers shall hold their office for one year from the day of their election, and until others shall be duly elected and qualified.

§ 5. To enable the Board of Managers to carry out the objects of this charter, when organized as above provided for, it shall be and is hereby declared a body politic and corporate, in deed and in law, by the name and style of the Board of Managers of the Winchester and Red River Iron Works Turnpike Road Company; and under that name and style shall have perpetual succession, and all the privileges, immunities, and franchises of a body corporate and politic, and shall be capable of taking, and holding the said capital stock, and increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they shall think proper to carry out the intent of this act, and of purchasing and holding, to them and their successors in office, and assigns, and also of selling, transferring, and conveying in fee simple all such lands, tenements, hereditaments, and estate, real and personal, as shall be necessary to the prosecution of their work, of suing and being sued, of pleading and being impleaded, of defending and being defended in all courts of law and equity, and in all places whatever; also to have and use a com-

1856.

How long books to remain open.

When meeting of stockholders to be called.

Managers, &c. to be appointed.

Body politic.

1856.

mon seal, and the same to alter and renew at pleasure; and to make all such by-laws not inconsistent with the constitution and laws of this State and the United States, as may be necessary for the government of the affairs of said board: and do all and every other act and thing which a turnpike corporation may lawfully do.

Clarke County
Court may take
stock.

§ 6. That the Clarke County Court is hereby authorized and empowered to authorize their Clerk to subscribe for as many shares of stock in said company as private individuals, partnerships, and corporations may subscribe, which subscriptions, when made, shall be binding on said county. And the said County Court of Clarke county, before proceeding to make the subscription herein authorized, may submit the propriety of their doing so to the vote of the qualified voters of the county of Clarke, and have such vote taken in the same manner that elections for Sheriffs are required to be conducted, and at such time as the court may direct; and if a majority of all the votes cast be in favor of such subscription of stock, it shall be the duty of said court to make such subscription, and levy the amount thereof upon the property of said county, subject to the payment of State revenue; and the Sheriff shall collect and pay over the same to the Treasurer of said county, within the same time and under the same liabilities and penalties prescribed for the collection and payment of the county revenue, and shall have the same power to enforce the collection thereof, and shall receive as compensation for his services, the same rate of commission that he is now allowed by law for the collection of the county revenue, upon the amount collected and paid over, and the County Court may distribute the sum subscribed, in the assessment of taxes to pay it, through one or more years.

Width of road.

§ 7. The Board of Managers may fix the width of their road, not less than thirty feet in the whole, and the part covered with stone, gravel, or plank not less than eight feet, and they shall keep a record of their proceedings, which shall at all times be open to the inspection of each and all shareholders; may erect toll gates for each five miles of road completed, and collect the same rates of toll as the Winchester and Lexington Turnpike may lawfully do. And acquiring the right of way, stone quarries, land for toll gates, and in every other respect, shall have and possess all the rights, privileges, powers, and immunities of any other turnpike road company within this State.

§ 8. This act shall take effect from and after its passage.

Approved February 23, 1856.

CHAPTER 200.

1856.

AN ACT for the benefit of the Circuit Court Clerk of Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Benjamin Beall, Clerk of the Campbell Circuit Court, be and he is hereby allowed the further time of, two years, to collect the fee bills now due him, by distress or otherwise.

Approved February 27, 1856.

CHAPTER 201.

AN ACT to amend the charter of the City of Augusta.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Mayor and Board of Councilmen for the city of Augusta, shall have power to borrow the sum of ten thousand dollars, at an interest not exceeding ten per centum per annum; and they are hereby empowered to issue the bonds of said city, for said amount, or so much thereof as they shall think proper to borrow. Said bonds shall be signed by the Mayor of said city, and the city seal attached thereto: *Provided*, That said Mayor and Councilmen shall not borrow any sum for a longer period than five years.

May borrow money.

§ 2. That hereafter the annual election of said city shall take place on the second Saturday of April in each year.

Time of holding elections.

§ 3. That the Wharf Master, city wood and coal Measurer, Clerk, Treasurer, and Assessor for said city, shall be elected by the qualified voters of said city, at each annual election, holding their offices for one year, and until their successors shall be elected and qualified.

§ 4. That said Mayor and Councilmen shall not appropriate any sum over two thousand dollars, (except for grading the banks and improving the streets of said city,) unless the question be first submitted to the qualified voters of said city, and approved by a majority thereof.

§ 5. That the fees of the Mayor of said city, in all cases, shall be the same as are allowed by law to Justices of the Peace; and he shall not charge more than fifty cents for the seal of said city, and his certificate. That the fees of the Marshal shall be the same as those of Constables.

Fees of Mayor

Fees of Marshal.

§ 6. This act shall not be so construed as to interfere with the contract made by said city with the present Wharf Master.

§ 7. This act shall take effect from and after its passage.

Approved February 27, 1856.

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CHAPTER 202.

AN ACT creating an additional Justices' District in the county of Pulaski.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there shall be one additional Justices' district in the county of Pulaski, called and known by its number, as District No. 12, and bounded as followeth: Beginning at the ford on Pitman's creek, near John P. Nunnelly; thence with the Mt Vernon road, so as to include M. Kirk, C. Hail, M. Bryant, M. Cox, William Hail, and William Gastineau, and exclude H. Phelps and J. Phelps, to Flat Lick meeting house; thence, including J. M. Owens, to the ford on Buck creek, near the widow Smith's; thence down and with Buck creek to the mouth of Flat Lick creek; thence, including James Randal, Esq., a strait line to Singleton Earp's, including him; thence to G. W. Four's, including him; thence to M. D. Thurman's, including him, E. Stevans, and W. C. Holton; thence, including R. Calhoun, J. Q. Richardson, to D. M. James'; thence to the Whitley road, near J. Pervis'; and with the Whitley road, so as to include W. M. Richardson, to Pitman's creek; thence up said creek to the beginning. In which shall be elected, at the next regular election for Justices of the Peace, and ever thereafter two Justices of the Peace and one Constable for said district, who shall in all respects be governed by the laws now in force in relation to Justices of the Peace and Constables.

§ 2. That the voting place in said district shall be at the present tavern house of Haywood Simpson, in the town of Grundy; and the elections in said district at said voting place shall be governed by the laws in force as to other districts and elections in this Commonwealth.

Approved February 27, 1856.

CHAPTER 203.

AN ACT repealing an act incorporating the town of Barboursville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all that part of the act incorporating the town of Barboursville, and creating a Police Judge in said town, approved the 10th day of March, 1854, which gives the said Police Judge jurisdiction of civil cases, be and the same is hereby repealed.

§ 2. That all that part of the before recited act, or any other law, which gives the Town Marshal of the said town of Barboursville power and authority to execute any other process than such as issue for a breach of the town

Office of Police Judge limited.

Office of Marshal limited.

ordinances of said town, committed within the limits of said town, be and the same is hereby repealed.

1856.

§ 3. That the jurisdiction of the Police Judge of the town of Barboursville hereafter be limited to cases arising out of breaches of the ordinances and by-laws of said town.

§ 4. That all notes, contracts, warrants, executions, records, and other papers pertaining to the civil business, and other business not retained to him by this act, of which the said Police Judge has had jurisdiction, and which are now in his office, shall be by him delivered over to the nearest Justice of the Peace, who shall as such Justice of the Peace have the same power and jurisdiction over the same as the said Police Judge would have had if this act had not passed.

§ 5. That all process in the hands of the said Town Marshal, or in the hands of any other officer or person, issued by said Police Judge in any case or cases except where his jurisdiction is saved and retained by this act, shall be returned before the nearest Justice of the Peace, by the said Police Judge, who shall have like power and jurisdiction over the same.

§ 6. This act shall take effect from its passage.

Approved February 27, 1856.

CHAPTER 207.

AN ACT to authorize the Trigg County Court to change the State Road from Hopkinsville to Cadiz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Trigg County Court be and the same is hereby authorized to change that portion of the road leading from Hopkinsville to Cadiz which runs through the land of James E. Thompson, in said county: *Provided*, That the said court, in making such change, shall be governed by the general laws now in force in relation to roads: *and provided further*, That before such change shall be made, the proposed road shall be opened out and put in good repair.

Approved February 27, 1856.

CHAPTER 208.

AN ACT to establish a Police Judge and Town Marshal in the town of Mount Olivet, in Bracken and Nicholas counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the offices of Police Judge and Town Marshal

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are hereby established in the town of Mount Olivet, in the counties of Bracken and Nicholas, to be elected in the same manner, at the same time; hold their offices for the same term, and with the same powers and jurisdiction, and liable to the same penalties, as the Police Judge and Town Marshal of Washington, Mason county, now have, under an act approved March 8, 1854.

§ 2. That the charter of the town of Mount Olivet be so amended, that the first election shall be on the first Saturday in March, 1856.

§ 3. This act shall take effect from its passage.

Approved February 27, 1856.

CHAPTER 209.

AN ACT for the benefit of John Philly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of the county of Marshall be and the same are hereby authorized to change that part of the State road from Aurora to Paducah, that runs through the lands of John Philly in said county: *Provided*, Said proposed change first be opened and put in good order, as required by law. This act to take effect from and after its passage.

Approved February 27, 1856.

CHAPTER 210.

AN ACT for the benefit of Justices' District No. 3, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the courts of the Justices of the Peace in the third Justices' District of Kenton county shall be all the time open for the transaction of all business to be done in said courts.

Approved February 27, 1856.

CHAPTER 211.

AN ACT regulating the application of moneys arising from sales of vacant lands lying in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That from and after the passage of this act, it shall and may be lawful for Hart county to use and expend

the moneys that have arisen or may hereafter arise from the sales of vacant lands lying in said county, in such manner and for such purpose, for the use and benefit of said county, as the court shall think proper; and so much of an act heretofore passed as requires said moneys to be applied alone to the improvement of roads in said county, is hereby repealed.

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Approved February 27, 1856.

CHAPTER 213.

AN ACT authorizing the sale of certain streets in Simpsonville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Trustees of the town of Simpsonville shall be and they are hereby authorized to sell so much of Main street running east and west and Main cross street in said town, as will reduce the width of said streets to fifty feet each, if to a majority of said Trustees it shall seem conducive to the interest of said town—the purchaser or purchasers giving bonds with sufficient security, payable to said Trustees; and to said purchaser or purchasers said Trustees or a majority of them shall convey said streets so sold, reserving a lien thereon for the payment of the purchase money; and upon the sale or conveyance of said streets or parcels of street, it shall cease to be a public highway; and said purchaser may appropriate it to his or her own private use as absolutely as if it had never been a public highway, and the money arising from the sales made pursuant to this act shall be applied by said Trustees to the improvement of said town.

§ 2. This act shall take effect and be in force from the passage thereof.

Approved February 27, 1856.

CHAPTER 214.

AN ACT for the benefit of the heirs of Frank Quinn, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all persons, aliens and all others, who, if under no disability, would have been heirs and distributees of Frank Quinn, shall take as heirs and distributees of said Francis Quinn as if they had been native born citizens of this Commonwealth; but this act shall not be construed to divest any heir or distributee of any right pro-

1856. tected by the constitution of this State or the United States.

Approved February 27, 1856.

CHAPTER 216.

AN ACT in relation to a new road in Lewis and Fleming counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a tax of three cents per acre be and the same is hereby authorized to be levied on all the lands lying in the counties of Lewis and Fleming, between the Mills of the Kinniconick Railroad and Mill Company, in Lewis county, and the town of Mt. Carmel, in Fleming county, and within three miles of the road hereinafter authorized to be constructed, on either side thereof; said tax to be ascertained by the Assessors' books of said counties, and such other way the County Court of Lewis may direct; and the Sheriffs of said counties of Lewis and Fleming are hereby authorized and empowered to collect the same, in the same manner as they collect the revenue of said counties, and shall hold the same upon the same security.

The County Court of Lewis may by its order at any regular term, entered of record, appoint an engineer or commissioner to select a route and locate a road, to be built and made, commencing at a point on the Vanceburg road, at or near said mills, in Lewis county, running thence up Kinniconick river as far as necessary, and thence to the town of Mt. Carmel, in Fleming county; said commissioner shall make a thorough examination, and locate said road upon the nearest, best, and most practicable ground, and make his written report to the County Court of Lewis, to be safely kept by the clerk of said court; whereupon said court shall make an order directing the Sheriff of Lewis county, to proceed in the collection of the tax aforesaid, within his county; a copy of said order shall be transmitted to the County Court of Fleming county, to be entered of record in that court; and an order shall thereupon be made by the Fleming County Court, directing the Sheriff of said county to proceed in the collection of the tax aforesaid in said county; and when collected, or any part thereof, and as speedily as collected, he shall pay the same over to the Sheriff of Lewis county.

The County Court of Lewis shall make all necessary orders from time to time, in aid of the completion of said road; shall issue writs of *ad quod damnum* whenever necessary, and proceed thereon as in other road cases; and

shall order the Sheriff of Lewis county to pay over the taxes aforesaid, or any part thereof, whenever necessary, to aid in the construction of said road.

The tax hereby imposed may be levied for three years, if necessary to construct and complete said road, beginning with the year 1856; and it shall be the duty of the said County Courts to levy the same for said three years, if necessary. When said road shall be constructed and finished, the County Courts of Lewis and Fleming shall have the same jurisdiction and control over it, to keep the same in good order, as they now have or may hereafter have over other public roads in said counties.

§ 2. If the tax upon any land or lands, herein authorized, shall remain unpaid, and the Sheriff of either of said counties shall be unable to collect the same, by the 1st day of January following the assessment in each year, it shall be the duty of the proper Sheriff to return such land or lands delinquent to the January term of his County Court in each year; and thereupon the County Court to whom any such lands may be returned delinquent as aforesaid, shall make an order directing the Sheriff of such court to advertise in writing such lands for sale, at the Court House door, until the next County Court day; and unless the tax due thereon, together with 10 per cent. of the amount thereof, shall be paid on or before said County Court day, the Sheriff shall, on that day, proceed to sell such land or lands at public sale, at the Court House door, to the highest bidder, or so much thereof as may be necessary to pay the tax due thereon, and 10 per cent. of the amount thereof. The Sheriff shall convey all lands thus sold by him, by deed, at the expense of the purchaser, and is allowed the sum of one dollar and fifty cents for each and every deed so made by him. The said County Courts shall have power to make all necessary orders for the sale of such delinquent lands, from time to time, until the tax is realized.

§ 3. The owner of any such land or lands, sold under and by virtue of this act, may redeem the same at any time within two years from the day of sale, by paying to the purchaser the amount paid by him, including all expenses and interest thereon, at the rate of 10 per cent. per annum. The redemptioner shall proceed as defendants in executions having the right of redemption are now by law directed to proceed: *Provided*, The redemptioner may apply to the clerk of the County Court of the county in which the land, or the greater part thereof, is situate, in all cases where defendants as aforesaid are directed to apply to the clerk of the court from which the execution issued. And all payments, tenders, &c., in pursuance of the law aforesaid, and the provisions of

1856. tected by the constitution of this State or the United States.

Approved February 27, 1856.

CHAPTER 216.

AN ACT in relation to a new road in Lewis and Fleming counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a tax of three cents per acre be and the same is hereby authorized to be levied on all the lands lying in the counties of Lewis and Fleming, between the Mills of the Kinniconick Railroad and Mill Company, in Lewis county, and the town of Mt. Carmel, in Fleming county, and within three miles of the road hereinafter authorized to be constructed, on either side thereof; said tax to be ascertained by the Assessors' books of said counties, and such other way the County Court of Lewis may direct; and the Sheriffs of said counties of Lewis and Fleming are hereby authorized and empowered to collect the same, in the same manner as they collect the revenue of said counties, and shall hold the same upon the same security.

The County Court of Lewis may by its order at any regular term, entered of record, appoint an engineer or commissioner to select a route and locate a road, to be built and made, commencing at a point on the Vanceburg road, at or near said mills, in Lewis county, running thence up Kinniconick river as far as necessary, and thence to the town of Mt. Carmel, in Fleming county; said commissioner shall make a thorough examination, and locate said road upon the nearest, best, and most practicable ground, and make his written report to the County Court of Lewis, to be safely kept by the clerk of said court; whereupon said court shall make an order directing the Sheriff of Lewis county, to proceed in the collection of the tax aforesaid, within his county; a copy of said order shall be transmitted to the County Court of Fleming county, to be entered of record in that court; and an order shall thereupon be made by the Fleming County Court, directing the Sheriff of said county to proceed in the collection of the tax aforesaid in said county; and when collected, or any part thereof, and as speedily as collected, he shall pay the same over to the Sheriff of Lewis county.

The County Court of Lewis shall make all necessary orders from time to time, in aid of the completion of said road; shall issue writs of *ad quod damnum* whenever necessary, and proceed thereon as in other road cases; and

shall order the Sheriff of Lewis county to pay over the taxes aforesaid, or any part thereof, whenever necessary to aid in the construction of said road.

The tax hereby imposed may be levied for three years, if necessary to construct and complete said road, beginning with the year 1856; and it shall be the duty of the said County Courts to levy the same for said three years, if necessary. When said road shall be constructed and finished, the County Courts of Lewis and Fleming shall have the same jurisdiction and control over it, to keep the same in good order, as they now have or may hereafter have over other public roads in said counties.

§ 2. If the tax upon any land or lands, herein authorized, shall remain unpaid, and the Sheriff of either of said counties shall be unable to collect the same, by the 1st day of January following the assessment in each year, it shall be the duty of the proper Sheriff to return such land or lands delinquent to the January term of his County Court in each year; and thereupon the County Court to whom any such lands may be returned delinquent as aforesaid, shall make an order directing the Sheriff of such court to advertise in writing such lands for sale, at the Court House door, until the next County Court day; and unless the tax due thereon, together with 10 per cent. of the amount thereof, shall be paid on or before said County Court day, the Sheriff shall, on that day, proceed to sell such land or lands at public sale, at the Court House door, to the highest bidder, or so much thereof as may be necessary to pay the tax due thereon, and 10 per cent. of the amount thereof. The Sheriff shall convey all lands thus sold by him, by deed, at the expense of the purchaser, and is allowed the sum of one dollar and fifty cents for each and every deed so made by him. The said County Courts shall have power to make all necessary orders for the sale of such delinquent lands, from time to time, until the tax is realized.

§ 3. The owner of any such land or lands, sold under and by virtue of this act, may redeem the same at any time within two years from the day of sale, by paying to the purchaser the amount paid by him, including all expenses and interest thereon, at the rate of 10 per cent. per annum. The redemptioner shall proceed as defendants in executions having the right of redemption are now by law directed to proceed: *Provided*, The redemptioner may apply to the clerk of the County Court of the county in which the land, or the greater part thereof, is situate, in all cases where defendants as aforesaid are directed to apply to the clerk of the court from which the execution issued. And all payments, tenders, &c., in pursuance of the law aforesaid, and the provisions of

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this act shall re-invest the former owner with the title to such land.

§ 4. This act shall take effect from its passage.

Approved February 27, 1856.

CHAPTER 217.

AN ACT to incorporate the Deposit Bank of Cynthiana, Harrison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Capital stock.

Body politic,
and corporate
powers.

Business
company. of

§ 1. That there is hereby established the Deposit Bank of Cynthiana, with a capital of fifty thousand dollars, in shares of fifty dollars each, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified, which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style aforesaid, and shall so continue a body politic and corporate until the first day of June, 1886, and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts and places, and in all matters whatsoever as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, effects, and chattels as shall be convenient for the transaction of its business, (provided the value thereof shall not exceed five thousand dollars,) or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt, or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; and said institution may have and use a common seal, change, alter, and renew the same at pleasure, and may ordain and put in execution such by-laws, rules, and regulations for the government of the same as may be deemed necessary: *Provided*, They are not inconsistent with the constitution and laws of this State or of the United States.

§ 2. That the business of the institution shall be to receive money on deposit, upon which it shall pay an interest to the depositor of not more than six per cent., nor less than two per cent. per annum, as it may choose, dependent upon the length of time for which deposit may be made; to loan money, discount promissory notes and bills of exchange, The promissory notes made payable to any person or persons, or order, or payable to this institution, or order, and negotiable and payable at their

banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to or discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had jointly and severally against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration, they shall have no other or greater dignity or priority of payment than other notes; and the said institution shall not directly or indirectly deal or trade in any thing except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattles, rights, and credits really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

§ 3. This institution shall not any time owe, either by bond, bill, note, or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposit; and in cases of excess the President and Directors under whose administration it shall have taken place shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, That if the President or any of the Directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or dissent thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county; and moreover within ten days give notice thereof in some newspaper printed in Cynthiana, and transmit a copy thereof to the Govenor of the State; and shall in said notice call a meeting of the shareholders, which they are hereby authorized to do.

§ 4. Said institution shall not at any time fail or refuse to pay its deposit in gold or silver, or currency of the like kind and value of that deposited; and in case the officers, in the usual business hours, at their banking house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages at the rate of twelve per cent. per annum on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same shall be forfeited, and

Not to owe
twice the a-
mount of capital
paid in.

Penalty if
bank refuses to
pay deposit in
gold and silver.

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a *scire facias* shall be sued out in the name of the Commonwealth, by the Attorney General and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said institution from suing and being sued, and continuing its operation for the purpose of closing its concerns, nor from making any contract that may be convenient and proper for that purpose.

To be under
control of five
directors.

Term of office.

Elections, how
and when held.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of said institution shall be under the direction and control of five Directors who shall be stockholders, and after the first election shall have been stockholders at least three months previous to their election; they shall be residents of this State, and citizens of the United States, and after their first election they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right. They shall hold their office for one year and until their successors shall be chosen. All elections after the first shall be conducted by two, at least, of the stockholders, acting under oath, appointed by the Directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public, after they are taken. No Director or officer of any bank shall be eligible as a Director in this institution; and any Director becoming a Director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a Director in a bank be eligible as Directors in this institution at one and the same time. And if the President or any Director or officer of the institution shall fail or become insolvent, after his election or appointment, he shall become incapable to serve, and shall be held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he has obtained a full discharge from the same; nor shall any one who has ever failed in business, be eligible to the office of President, Director, or other officer, until all his debts are paid, or he is fully discharged therefrom. If from any cause an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday in June following; and said election shall be conducted as required in the regular election.

§ 6. That at all meetings of the stockholders, and at all

elections under this charter, each stockholder shall be entitled to one vote for every share held in his own right up to ten ; one vote for every five shares over ten, up to fifty ; and one vote for every ten shares over fifty. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy, such proxy being granted to a stockholder who is not either President, Director, or other officer in the same ; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

1856.
How stock to
be voted.

§ 7. That the Directors shall elect one of their own number as President, who shall preside at all meetings ; and in case of a vacancy in said office, the residue of the Directors shall elect a President *pro tem.* They shall fill all vacancies which may occur in their own body, and appoint officers, clerks, and servants as deemed expedient, fix their compensation, define their powers, and prescribe their duties, and shall require of them such bonds, penalties, and securities as deemed requisite for the security of the institution—which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss ; and all such officers shall hold their places during the pleasure of the Board.

President and
other officers to
be elected.

§ 8. The President and Directors, any three of whom may constitute a quorum for the transaction of business, may from time to time make such by-laws, rules, and regulations for the government of the institution as deemed expedient, not contrary to the provisions of this charter or the by-laws and rules which the stockholders at their annual or other meetings may from time to time prescribe : *Provided,* For that purpose a concurrence of a majority of all the Directors shall be necessary.

May make by-
laws.

§ 9. The President and Directors shall hold stated meetings at least once a week ; and called meetings may be had whenever deemed necessary. All questions before the Board shall be taken *viva voce* ; and the yeas and nays on any proposition submitted shall be entered of record at the request of any two members ; and no vote shall be reconsidered when a less number is present than when the vote was given.

To hold stated
meetings.

§ 10. It shall be the duty of the President, on the first day of July, 1856, and on the first day of July in each succeeding year, to pay to the Treasurer of the State twenty-five cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus : *Provided,* That the Legislature may increase or diminish the same, but at no time shall the

Pay tax to the
State.

1856.

When books
to be opened.If one thou-
sand shares are
not taken books
may be re-open-
ed.Notice to be
given of first
election.How stock to
be paid.

three of whom shall be competent to exercise the powers and perform the duties required by this section.

§ 22. The said commissioners shall have power, and they are authorized and required, on the second Monday in April next, or at such other time within two years hereafter as they shall deem expedient, having given not less than thirty days notice thereof, in some newspaper printed in Cynthiana, to open books for the subscription of the capital stock of said institution, at Cynthiana and such other places as they may deem advisable, and cause said books to be kept open, from ten o'clock A. M., until two o'clock P. M., at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the President and Directors may cause the books to be opened at any time and place they may direct—giving thirty days notice thereof in some newspaper—and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken. And the President and Directors may require such premium on the stock sold at the reopening of the books as they shall deem right; and such premium shall be property of the institution.

§ 24. That when not less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Cynthiana for the election of the first Board of Directors, who shall hold their office until the succeeding annual election; and not less than thirty nor more than sixty days notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath, and perform all the duties of inspectors of elections in like cases.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations shall be made in gold and silver, or notes of either of the banks or branch banks in this State, and at the time and in the manner following, viz: five dollars on each share to the commissioners at the time of subscribing, and five dollars on each share within ten days after the election of the first Board of Directors, and five dollars every sixty days thereafter, until the whole amount of said stock is

paid: *Provided*, that the board shall have power to prolong the time for the payment of each installment, after one half of the amount of each share shall have been paid.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock, as herein provided, the President and Directors, first giving public notice in two or more newspapers, for the space of thirty days, by resolution entered on the record, may forfeit such stock, and proceed, at such time as they may deem expedient, to resell the same; and all partial payments made on any stock which shall be forfeited; shall be held for the benefit of the institution.

If calls are not paid stock may be forfeited.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in, by individuals, companies, or corporations, as heretofore required, the President and Directors shall cause the Governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the President and at least two of the Directors that the same has been paid in as capital stock *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the Governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done, and the said institution is then hereby authorized to commence operation.

When may commence operations.

§ 28. That no one company, individual, or corporation shall be allowed to hold more than fifty shares of the capital stock of this institution, either in their own names or in the names of others in order to transfer them; and all stock that any individual, company, or corporation shall take or hold contrary to this provision, shall be forfeited to the institution, for the benefit of the other stockholders; and no individual, company, or corporation shall be allowed, in person or by proxy, to vote at the first election of directors on any stock which may stand in his, her, or their names, without first making oath that the stock *bona fide* belongs to them, and is not held in trust for others.

No person to own more than any shares of stock.

§ 29. That it shall not be lawful for the President or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institution; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars to be recovered by action of debt in the name of the corporation for its own use and benefit.

President, &c. not to become bound as security.

§ 30. That said institution shall not make any loan of money or discount any note or bill in any case whatever for the purpose of enabling any individual to make pay-

Not to discount note to enable person to pay calls on stock.

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When books
to be opened.If one thou-
sand shares are
not taken books
may be re-open-
ed.Notice to be
given of first
election.How stock to
be paid.

three of whom shall be competent to exercise the powers and perform the duties required by this section.

§ 22. The said commissioners shall have power, and they are authorized and required, on the second Monday in April next, or at such other time within two years hereafter as they shall deem expedient, having given not less than thirty days notice thereof, in some newspaper printed in Cynthiana, to open books for the subscription of the capital stock of said institution, at Cynthiana and such other places as they may deem advisable, and cause said books to be kept open, from ten o'clock A. M., until two o'clock P. M., at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the President and Directors may cause the books to be opened at any time and place they may direct—giving thirty days notice thereof in some newspaper—and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken. And the President and Directors may require such premium on the stock sold at the reopening of the books as they shall deem right; and such premium shall be property of the institution.

§ 24. That when not less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Cynthiana for the election of the first Board of Directors, who shall hold their office until the succeeding annual election; and not less than thirty nor more than sixty days notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath, and perform all the duties of inspectors of elections in like cases.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations shall be made in gold and silver, or notes of either of the banks or branch banks in this State, and at the time and in the manner following, viz: five dollars on each share to the commissioners at the time of subscribing, and five dollars on each share within ten days after the election of the first Board of Directors, and five dollars every sixty days thereafter, until the whole amount of said stock is

paid: *Provided*, that the board shall have power to prolong the time for the payment of each installment, after one half of the amount of each share shall have been paid.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock, as herein provided, the President and Directors, first giving public notice in two or more newspapers, for the space of thirty days, by resolution entered on the record, may forfeit such stock, and proceed, at such time as they may deem expedient, to resell the same; and all partial payments made on any stock which shall be forfeited; shall be held for the benefit of the institution.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in, by individuals, companies, or corporations, as heretofore required, the President and Directors shall cause the Governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the President and at least two of the Directors that the same has been paid in as capital stock *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the Governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done, and the said institution is then hereby authorized to commence operation.

§ 28. That no one company, individual, or corporation shall be allowed to hold more than fifty shares of the capital stock of this institution, either in their own names or in the names of others in order to transfer them; and all stock that any individual, company, or corporation shall take or hold contrary to this provision, shall be forfeited to the institution, for the benefit of the other stockholders; and no individual, company, or corporation shall be allowed, in person or by proxy, to vote at the first election of directors on any stock which may stand in his, her, or their names, without first making oath that the stock *bona fide* belongs to them, and is not held in trust for others.

§ 29. That it shall not be lawful for the President or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institution; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars to be recovered by action of debt in the name of the corporation for its own use and benefit.

§ 30. That said institution shall not make any loan of money or discount any note or bill in any case whatever for the purpose of enabling any individual to make pay-

If calls are not paid stock may be forfeited.

When may commence operations.

No person to own more than fifty shares of stock.

President, &c. not to become bound as security.

Not to discount note to enable person to pay calls on stock.

1856.

ment for its own stock; and no stockholder shall be allowed to pay any debt he may owe the same by the surrender of stock; and stockholders who shall become indebted to the institution shall be compelled to pay their debts in all respects as other persons dealing with the same; nor shall any stockholder be allowed to make payment of the shares of stock held by him or them by means of loan or loans obtained from the institution.

Real estate acquired by institution to be sold in five years.

Not to issue notes or bills to pass as currency

§ 31. That the real estate purchased by this institution, or the legal title of which shall be acquired in any way, except such as may be held for the purposes mentioned in the first section of this act, shall be sold within five years after it shall have perfected its title thereto; and on their failure to comply with the provisions of this section, the same shall vest in the Commonwealth.

§ 32. That it shall not be lawful for said institution to issue any note or bill to be passed and used as currency, and if it shall so presume to do, the charter shall be forfeited, as provided in the fourth section of this act: *Provided*, that the Legislature reserves the right to herself to alter, amend, or repeal this act at pleasure.

Approved February 27, 1856.

CHAPTER 218.

AN ACT to incorporate the Paducah Gas Light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

Corporate name.

To furnish gas to city of Paducah.

§ 1. That John F. Harris, L. S. Trimble, L. M. Flournoy, Wm. F. Norton, and James L. Dallam, their associates, successors, and assigns, shall be and they are hereby created a body politic and corporate, by the name and style of the Paducah Gas Light Company, and shall so continue, for the term of sixty years from the first day of January, 1856; and by that name and style shall be as capable to contract and be contracted with, sue and be sued, plead, answer and defend, in all courts and elsewhere, as natural persons; and may have and use a common seal, and change, alter, and renew the same at pleasure; and may ordain and put in execution such by-laws, rules, and regulations for the good government of said company, and for the efficient management of its affairs and prudential concerns, as may be deemed expedient, not contrary to the laws and constitution of this State or of the United States.

§ 2. That the business and operations of said company shall consist in furnishing the corporate authorities and citizens, &c., of the town or city of Paducah with gas light, in pursuance of and according to such terms as may

be agreed upon by contract with the Chairman and Board of Trustees of the town of Paducah, or the council of the city of Paducah. And for that purpose the capital stock of said company shall be one hundred thousand dollars, in shares of fifty dollars each, with liberty to increase the same from time to time, as the necessities of the company in the extension of its works may require. The said shares of stock shall be considered and held as personal estate, and shall be transferable on the books of the company in such manner as the President and Directors shall by their by-laws prescribe. The said company may purchase and hold as much land as may be required for its offices, and the residences of its officers, agents and laborers, and for sites for its gas works, and for suitable engine and other houses for its works, and may sell or exchange the same and purchase again for said purposes; and may hold such personal estate, pipes, machinery, &c., as will be necessary and convenient for the operations and business of the company.

§ 3. The shares in the capital stock of said company shall be fifty dollars each, for which a certificate or certificates shall be issued, to be signed by the President and Secretary of said company, with the seal of the corporation attached thereto; and at all meetings of the shareholders, each share shall be entitled to one vote. There shall be annually elected by the shareholders five Directors, who shall choose out of their number a President, and appoint such other officers as they, by their by-laws, may designate and require.

§ 4. The corporators above specially named, or any three of them, shall, by advertisement for one week in one of the newspapers published in the town of Paducah, call a meeting and superintend the same, of all persons and shareholders interested in the business and property of the Paducah Gas Company, who shall by themselves or their proxies elect five Directors, owners of at least two shares each in said company or corporation; said Directors to serve one year, or until their successors shall be chosen; and annually thereafter during the existence of this charter, on such day and at such places in Paducah as the by-laws of said corporation may designate. For the election of five Directors as aforesaid, notice shall be given for at least two weeks by advertisement in one of the newspapers published in Paducah. To the said President and Directors so chosen shall be intrusted the care and management of the real and personal estate, business, property, funds, and financial concerns of said company. The said President and Directors shall have power to fill all vacancies occurring in their body by death, resignation, or otherwise; and they shall also have the

1856.

Capital stock.

Stock held as personal estate.

Certificates of stock to issue.

Directors to be elected and how

1856.

Penalty for injuring property of corporation.

power to borrow money at any time to extend their works and business.

§ 5. That if any person or persons shall wilfully, by any means whatever, injure or destroy any portion of the gas pipes or fixtures, lamps, lamp posts, or burners, or any part of the works or machinery of said company, or shall wilfully open a communication into the street or other gas pipes, or let on gas after it has been stopped by the company, such person or persons shall be liable to the company for all damages occasioned by such act or acts, and shall furthermore be subject to indictment as for a misdemeanor, and upon conviction thereof, shall be fined in any sum at the discretion of the jury, not exceeding one thousand dollars, or be imprisoned in the city work house for a period not exceeding three years; but this section shall not be held to change the law as to arson, or wilfully burning the houses of the company.

§ 6. The Legislature reserves the right to repeal, alter, or amend this charter at pleasure. This act shall be in force from its passage.

Approved February 27, 1856.

CHAPTER 220.

AN ACT for the benefit of Jane Carey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jane Carey is hereby made capable in law of making contracts, and of acquiring and holding property, real or personal, free from the control of her husband, Hugh Carey; and she may buy and sell and carry on business in her own name, in the same manner as if she were a *feme sole*; and may dispose of any property that she may acquire, by gift or purchase or by last will and testament.

§ 2. This act shall take effect from and after its passage.

Approved February 27, 1856.

CHAPTER 221.

AN ACT for the benefit of the Circuit Court Clerk of Harrison county.

WHEREAS, It appearing that a general cross index to judgments of the Harrison Circuit Court, is absolutely necessary, and that under an order of said court, the Clerk thereof, has provided the necessary books for the same, and has performed a portion of the labor: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1856.

That the Clerk of the Harrison Circuit Court, be and he is hereby required to complete said general index, under the order of the Harrison Circuit Court, and to that end the County Court of said county is required to make such orders of allowance therefor, payable out of the county levy, as the Harrison Circuit Court may make and certify upon having the same valued by two commissioners appointed and sworn by said court for that purpose.

Approved February 27, 1856.

CHAPTER 222.

AN ACT to amend the act establishing the Boston and Akin Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from the date of this act is allowed to the commissioners to obtain the proper amount of stock to begin the road.

§ 2. The said road may be made ten feet or more in width, in place of twelve feet.

§ 3. The amount of each share of stock in said road shall be fifty dollars.

§ 4. When fifty shares of said capital stock shall be subscribed, the commissioners will proceed as directed in the former act.

Approved February 27, 1856.

CHAPTER 223.

AN ACT to authorize the sale of certain alleys in the town of Prestonsburg, Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Trustees of the town of Prestonsburg, in Floyd county, shall have the power to sell, and convey any titles to the alleys lying on the south side of Main street in said town, and apply the proceeds thereof toward building a seminary in said town: *Provided*, that the sales of said alleys shall be made with the consent of the owners of the lots adjacent thereto.

Approved February 27, 1856.

1856.

CHAPTER 224.

An ACT for the benefit of the heirs of Jacob Watson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the heirs of Jacob Watson, assignee of Andrew McFadden, who was assignee of George Muter, be allowed to survey an entry of 1,500 acres, part of military warrant, No. 41, on the Tennessee river, beginning at Edmund Reid's upper corner, No. 176, and running up the river and back for quantity—which entry was made on the 14th day of August, 1784, No. 194, in the name of George Muter—the land to be surveyed according to the calls in the original entry; and upon the return of a plat and certificate to the Register's office within the time allowed by law for the return of plats and certificates in other surveys, he is required to issue a patent therefor to the said heirs, as in other cases: *Provided*, that this act shall not affect the claim of any one asserting the adversely to said survey.

Approved February 27, 1856.

CHAPTER 225.

AN ACT to incorporate the Hickman Building and Loan Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an association which shall be a mutual benefit and stock company, having for its object to assist the members thereof to become their own landlords, or the owners of such real estate as they may need, instead of being the mere renters thereof, is hereby authorized to be formed in the city of Hickman, and for that purpose, A. D. Kingman, Dr. H. C. Catlett, Jesse Edmonston, A. M. C. Simmons, Jo. Keith, John M. Bullock, Frank Roulhac, and such other persons as may be associated with them by becoming shareholders of the capital stock of the company hereby incorporated, and their successors, be and they are hereby constituted a body politic and corporate, by the name and style of the Hickman Building and Loan Association; and may by their corporate name sue and be sued, plead and be impleaded, may make and use a common seal, and alter the same at pleasure, and may use, exercise, and enjoy all the rights, privileges, and immunities which are incident to, and necessary to carry out the objects of this association.

§ 2. That the members of the said corporation shall have full power and authority to form and adopt such constitution, by-laws, rules, and regulations for the government of the corporation, and to choose and appoint

Company
formed and ob-
jects.

May make
constitution and
by-laws.

1856.

such officers and agents for the transaction of the business of the corporation, as to them shall seem expedient; and such constitution, by-laws, rules and regulations shall have the force and effect of a legal enactment on the members of said corporation: *Provided*, that such constitution, by-laws, and regulations do not conflict with the laws of the land.

§ 3. That the capital stock of said corporation shall be divided into shares of one dollar per month each, to be paid in monthly, until the said corporation shall determine and close; and that the capital stock of said corporation shall be not less than two nor more than five thousand shares; and subscriptions for stock shall be made in such mode as may be prescribed by said association.

§ 4. That the funds of said corporation may be loaned out to the stockholders, in such manner, on such terms and conditions, and under such regulations as the said corporation, by its constitution and by-laws, may prescribe: *Provided*, the same be secured by real estate; and any funds of the said corporation which may remain after the stockholders have borrowed all they desire, may be loaned out to others than stockholders, they paying therefor interest, at the rate of six per centum, per annum: *Provided*, the same be secured by real estate.

§ 5. That the said corporation shall have power to take and to hold all such real estate as may be mortgaged or conveyed in trust to secure the said corporation in the loan of any of its funds; and the said corporation shall have power to purchase any such real estate as aforesaid, at any sale thereof, made under any mortgage or conveyance in trust of any such real estate, to secure the said corporation in any such loan as aforesaid, and the same to hold and sell, or otherwise dispose of as to the said corporation may seem expedient.

§ 6. That when each stockholder, for each and every share of stock by him or her held, shall be entitled to receive the sum of two hundred dollars on distribution of the funds of said association, then the corporation shall wind up, terminate and close.

§ 7. That this act shall take effect from its passage.

§ 8. That nothing in this act shall be so construed as to authorize said association to charge or collect of any one, whether a stockholder or not, either directly or indirectly, more than six per cent. per annum.

Capital stock.

Funds of corporation may be loaned out.

May take and hold real estate.

Approved February 27, 1856.

1856.

CHAPTER 226.

AN ACT to incorporate the Springfield, Maxville, and Willisburg Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Object of the company.

Corporate name.

Capital stock.

Books opened

Commissioner's names.

Obligation.

§ 1. That a company shall be and the same is hereby formed for the purpose of making a turnpike road from Springfield to Maxville and Willisburg, in Washington county, by the way of the bridge over the Little Beech Fork and and Mitchell's Ford, under the style of the Springfield, Maxville, and Willisburg Turnpike Road Company.

§ 2. That the capital stock of said company shall not exceed thirty thousand dollars, divided in shares of fifty dollars each.

§ 3. That said road may be branched at or near John P. Mitchell's, one branch thereof going to Willisburg, and the other branch thereof to Maxville, through Thompsonville.

§ 4. That books for the subscription of stock of said company shall be opened on the first Monday of March, 1856, unless the commissioners hereinafter mentioned shall fix some other day, under the supervision of the following named persons, who are hereby appointed commissioners, viz: Hugh McElroy, Edmund L. Davidson, Dr. James R. Hughes, Robert C. McChord, Richard J. Browne, and Thomas Simms, at Springfield; Thomas Leachman, Milton Rogers, Curran Handley, and Stephen C. Browne, at Pleasant Grove Meeting House; Mitchell Thompson, Stith Thompson, Elisha B. Adams, and Daniel B. Hughes, at Thompsonville; John M. Smith, Dr. Stith Mays, Robert S. Mitchell, and John Bosley, at Maxville; and Dr. Askins, Dr. Poore, Ebenezer B. Miller, John Rogers, and David Hayes, at Willisburg. The commissioners herein named, or any two of them at each of the places aforesaid, shall procure one or more books, and in each of them enter as follows, viz: "We whose names are hereunto subscribed, do promise to pay the President, Directors, and company of the Springfield, Maxville, and Willisburg Turnpike Road the sum of fifty dollars for each share set opposite to our names, in such manner and proportion, and at such times as shall be determined on by the President and Directors of said company, and agreeably to an act of Assembly of the Commonwealth of Kentucky incorporating said company. Witness our hands this — day of —, 185—." The said commissioners shall give notice, by advertisement at Springfield, Maxville, Willisburg, Thompsonville, and Pleasant Grove Meeting House, of the time at which books will be opened to receive subscription for stock in said company; at which time and place some one or more of the

1856.

commissioners before named at each place, shall attend and permit all persons of lawful age, bodies corporate or politic, who offer to subscribe in said books in their own names or that of any other person who shall duly authorize the same, for any number of shares in said stock; the said books shall be kept open for the purpose aforesaid until the whole number of shares shall be subscribed.

§ 5. That when any portion of said stock shall have been taken sufficient to make three or more miles of said road, the commissioners, or any three of them, may proceed to elect a President and four Directors, and to organize the company, and elect such other officers as they may think necessary to conduct the business of said company; that when the company shall be thus organized, they shall be and are hereby declared a body politic and corporate, in deed and in law, by the name and style of the President, Directors, and Company of the Springfield, Maxville; and Willisburg Turnpike Road; and by that name the said subscribers shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable in law of taking and holding said capital stock, and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions, in such manner and form as they may think proper, if such enlargements shall be found necessary to fulfill the intent of this act, and the finishing of said road; and of purchasing, taking and holding, to them and their successors and assigns, and also of selling, transferring, and conveying, in fee simple, all such lands, tenements, hereditaments, and estates, real or personal, as shall be necessary to them in the prosecution of their work, and of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in any of the courts of this Commonwealth having jurisdiction thereof, or any other place whatever; and also to make and use a common seal, to alter and renew the same at pleasure; to make such by-laws, rules and regulations, not inconsistent with the laws and constitution of this Commonwealth and of the United States, as shall be necessary for the well ordering of the affairs of said company; and to do all and every other matter and thing which a corporation or body politic may lawfully do.

§ 6. That the whole width of said road shall be thirty-five feet, the graded part thereof shall be twelve feet in width, and made on the plan of the Springfield and Lebanon Turnpike Road, and regulated by the laws governing the same in all matters where the same is applicable to this road, especially in relation to erecting gates on said road, and charging tolls.

When the company may organize.

Powers and privileges.

Width of road

1856.

Tolls.Election of officers.

§ 7. That whenever two and a half miles or more of said road shall be finished on either end of said road, the company is hereby authorized to erect a gate thereon, and charge toll therefor in proportion to the amount of said road finished, and the proceeds thereof shall be applied to the completion of said road adjoining to the said finished part of said road, to the extent of five miles thereof, when the tolls shall be paid to the company: *Provided, however,* That such application of tolls first mentioned shall not continue for a longer period than three years.

§ 8. That on the first day of April, 1857, and every year thereafter, the shareholders of said company, or any eight of them, shall hold a meeting at one of the places aforesaid, the President and Directors of said company, giving at least ten days notice, at each place aforesaid, of the time and place of such meeting, and shall, thereupon, proceed to the election of a President and four Directors, who shall be shareholders of said company, to continue in office until their successors are elected and sworn—the President and four Directors elected by the commissioners to continue in office until the said first day of April, 1857, and until their successors are elected and sworn.

Approved March 3, 1856.

CHAPTER 227.

AN ACT for the benefit of William M. Worsham, late Sheriff of Wayne county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That William M. Worsham, late Sheriff of Wayne county, be and he is hereby allowed the further time of two years, from the passage of this act, to collect all taxes and fees to him delivered or due before the expiration of his term of office, subject to the same liabilities, restrictions, and responsibilities as are now imposed by law in such cases, and as though they were due and delivered, before the expiration of his term of office; and that he may place the same in the hands of the Sheriff or any Constable of Wayne county for collection, in the same manner as though the same had not expired by law; and this act shall take effect from and after its passage.

Approved March 3, 1856.

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LAWS OF KENTUCKY.

1856.

CHAPTER 228.

AN ACT for the benefit of J. W. Henderson, of Barren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Henderson, of Barren county, shall have the privilege to erect a mill dam, across Beaver creek, in said county: *Provided*, that said dam shall be erected within ten miles of the junction of said creek with Barren river; but said Henderson shall proceed to do so by obtaining a writ of *ad quod damnum*, as now required by law; and that an act passed some years since, declaring said stream navigable, is hereby repealed.

§ 2. This act shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 229.

AN ACT to amend an act incorporating the Mount Hor Cemetery, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, "an act to incorporate the Mount Hor Cemetery, in Kenton county," be amended as follows: The shareholders in said corporation shall be entitled to one vote for each share, he, she, or they may have in the stock of said company, in the election of Trustees provided for in said charter; and that the said Trustees shall, at the expiration of each year, on the first Monday in March, render a correct report of their actings and doings during the year; and under the Superintendence of the President of said Board of Trustees, they shall at the same time declare a dividend among the stockholders, who shall be entitled to receive said dividend in proportion to their respective shares subscribed and paid in to said corporation.

Approved March 3, 1856.

CHAPTER 230.

AN ACT to amend an act incorporating the Louisville Water Works Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled, "an act to incorporate the Louisville Water Works Company," approved March 6, 1854, be and the same is hereby amended so that no one, who is not a citizen of Kentucky, shall be qualified to hold the offices of Director or President in said company.

§ 2. That the time fixed for the completion of said water works mentioned in section eleven of the act of

1856.

incorporation aforesaid, be and the same is hereby extended to the first day of January, 1859.

§ 3. That so much of said act of incorporation as is inconsistent with the provisions of this act, be and the same is hereby repealed; and that this act shall take effect from and after its passage.

Approved March 3, 1856.

CHAPTER 231.

AN ACT appointing Trustees for the Hart County Seminary.

WHEREAS, Many of the Trustees of the Hart County Seminary have died, and others have removed, leaving not a sufficient number to transact any business under their original charter: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George T. Wood, William B. Brown, Robert D. Murray, Anthony V. Enlow, Hiram D. Jett, Harmon B. White, and James C. Rush, be and they are hereby appointed Trustees of the aforesaid Seminary, a majority of whom shall be sufficient to transact any business authorized by the charter.

§ 2. That hereafter, if from any cause there shall cease to be a number of said Trustees sufficient to transact any business pertaining to said seminary, in that event the County Court of Hart county shall have power to appoint other Trustees to the number that is authorized by the charter of said seminary, who shall have and exercise all the powers in the transaction of business that are granted by said charter.

Approved March 3, 1856.

CHAPTER 232.

AN ACT to amend the charter of the Kentucky Ship Building and Lumber Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That so soon as twenty-five thousand dollars of the capital stock of the Kentucky Ship Building and Lumber Company shall have been subscribed, the said company may commence business under the act incorporating it, approved March 9, 1854; and the name of J. B. Alexander is hereby substituted for that of J. W. Menzies as one of the corporators.

Approved March 3, 1856.

LAWS OF KENTUCKY.

CHAPTER 233.

AN ACT better to regulate the mode of working and opening roads in Boone county.

1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the September term, 1856, of the Boone County Court, the said court to consist of the Presiding Judge and the Justices of the Peace in said county, or a majority of them, who shall be summoned by the said Judge to meet with him, shall divide said county into not less than fifty-five road districts, and appoint a surveyor for every district, who shall serve one year, and until his successor is appointed.

County to be divided into road districts.

§ 2. The County Court Clerk shall give the Assessor of said county a copy of the order making the road districts, and it shall be the duty of the Assessor to list and value all the real property in every district, and state the white males over sixteen years of age and under fifty years, and all male slaves and free males of color over sixteen years of age separately, in a book to be furnished him by the County Court, and which he must return to the Court.

Duties of the County Court clerk and Assessor.

§ 3. The court may from time to time lessen or increase the number of road districts, and may change the boundaries of districts; and whenever an order for any such purpose is made, the Clerk shall furnish the Assessor with a copy of such order.

§ 4. The court shall levy a tax of three cents on the one hundred dollars worth of property listed under this act, and a poll tax of one dollar upon every person listed under this act, which taxes shall be for the purposes of making, repairing, and keeping in repair the roads of said county; and said levy shall be made at the first term after the said book is returned.

Tax.

§ 5. The Assessor shall return said book at the first term of said court after it is completed.

§ 6. In assessing lands, when the tract is not wholly in one district it may be listed in any district in which part of it is situated.

§ 7. The court shall rule the Assessor to return the book upon the suggestion of the County Attorney that there has been unreasonable delays, and may punish him for failure as in cases of contempt.

§ 8. As soon as the books are returned and the levy made, the Clerk shall make out a copy of the assessment for every district, and by it and the levy he shall make a statement of the amount of the road tax due from every person in every district, and the amount from every person who has property in a district and does not reside within it; and this copy and statement shall be given by the Clerk to the Sheriff, and by the Sheriff to the surveyor.

1856.

CompensationDuties and
powers of Sur-
veyor.Surveyor's
compensation.A vote to be
taken.

§ 9. At the first Court of Claims after the return of said book, a reasonable allowance shall be made to the Assessor, the Clerk, and the Sheriff for their services respectively under this act.

§ 10. It shall be the duty of every Surveyor in every district to superintend the opening, repairing, and keeping in repair, of all of the public roads in his district, under the direction of the County Court; he shall collect the road taxes in his district, and if necessary, by action in his own name, as Surveyor; he shall notify all persons who may elect to pay their road taxes in work, of the time he desires them to work, and of the place where he wishes the work to be done, by two days written notice; and he shall under oath report four times in a year to the County Court what he has done as Surveyor since his appointment, or since his last report, which report shall show the names of delinquent tax payers and the amount due from them; he shall proceed to collect the amounts due from such delinquent tax payers by appropriate action. For a failure to perform any of the duties herein enjoined upon him, the Surveyor shall be proceeded against by the presentment of a Grand Jury, and upon such presentment shall be fined by the Circuit Court in a sum not less than five dollars nor more than twenty dollars.

§ 11. The Surveyor shall not be required to permit any one to work out his tax otherwise than by furnishing good hands at one dollar per day to the hand.

§ 12. The papers furnished to the Surveyor by the Clerk under this act shall be evidence of the liability of any tax payer in any action which the Surveyor may cause to be brought against him, for the amount of his tax.

§ 13. The Surveyor shall be entitled to twenty-five dollars a year, or at that rate, for his services under this act, to be allowed by the County Court; and when allowed he may retain it, showing by his reports how he has retained it.

§ 14. At the September court, 1856, the County Court shall make a rule upon the Sheriff and all the road Surveyors under the act of March 24, 1851, to bring into Court all the moneys they may have in their hands as road tax under said act, which rule shall be returnable at some subsequent term to be named therein; and if it is not satisfactorily answered the court may proceed to collect the money by attachment for contempt.

§ 15. This act shall not take effect until after a majority of all the qualified voters of Boone county, who may vote on the subject, shall vote in favor of it; and the County Court of Boone county shall cause a poll to be opened for and against this act, at the August election in

1856.

the present year 1856, and a vote to be taken thereon, under the same rules and regulations and subject to the same restrictions and penalties as do exist by law in relation to the election of Representatives to the General Assembly, And the result of said vote shall be declared by the board of examiners, who examine the polls of other elections to be held at the same time. And until this act takes effect, henceforth the general road law of the State of Kentucky is hereby declared to be in force and applicable to Boone county.

Approved March 3, 1856.

CHAPTER 234.

AN ACT to improve the road from Cumberland river to Monticello.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert C. Harris and Bourne Goggin, of Pulaski county, and A. R. West and Charles H. Buster, of Wayne county, be and they are hereby appointed commissioners, who or a majority of whom shall take charge of and superintend the improvement of that part of the State road leading from the southern bank of Cumberland river, opposite the town of Waitsboro, in Pulaski county, to Monticello, in Wayne county, and that said commissioners immediately proceed to open books for subscription to the improvement of said road in the counties of Pulaski and Wayne, between the points aforesaid; and so soon as the subscription of two hundred dollars in Pulaski county and four hundred dollars in Wayne county is made, they shall cause the same to be expended on said road, (according to the subscription of each county,) either by grading or otherwise as in their judgment seems best for the improvement of said road; they shall have power to change said road and place it on better ground, and for that purpose they shall have all the powers of obtaining the right of way, which is now vested by the general laws of this State in regular turnpike road companies. Said commissioners shall report to the County Court of their respective counties the fact that said money has been expended on said road, and in what manner of improvement, whether by grading portions of said road or otherwise; and upon their report being made, it shall be the duty of the County Court of Wayne county to cause a gate to be erected on said road within eight miles of the county line of said counties. The said commissioners shall appoint a gate keeper, who shall take an oath and enter into bond, with security to be approved by said commissioners, in the penalty of one thousand dollars, conditioned for the faithful

Commissioners' names and powers.

Gate-keeper.

1856.

discharge of the duties incumbent upon him as gate keeper—who shall be subject to removal at the discretion of said commissioners. He shall also renew his bond every year he may continue in office. He shall, if required, make settlements monthly with said commissioners or their successors; and at every such settlement he shall pay over to the commissioners of each county, the funds that may be in his hands, according to the amount subscribed and appropriated by them in their respective counties, and take and file their receipts for the same. He shall be permitted to retain out of the said funds his salary, which is hereby fixed at seventy-five dollars per year, unless otherwise fixed by the commissioners. He shall exhibit and file annually his monthly settlements and receipts in the County Court of each county for its inspection, and subject to its correction or approval.

Commissioners to give bond

§ 2. The said commissioners, before entering upon their duties, shall enter into bond in the County Court of their respective counties, in the penalty of two thousand dollars, conditioned for the faithful discharge of the duties imposed by this act, which bond shall be taken to the Commonwealth of Kentucky, for the benefit of said counties.

Vacancies

§ 3. That the amount subscribed by the respective counties and by individuals, and the profits arising therefrom, and the tolls of the gate, shall be applied to the improvement of said road in each county, according to their respective rights, as soon as received; and that the boundary of hands now allotted to the several surveyors of said road in each county, be and are hereby placed under the control of said commissioners as soon as they commence the improvement of said road under this act. Said commissioners shall be vested with the same powers and subject to the same penalties and restrictions that surveyors of roads now are by law, except in such cases as are otherwise provided by this act. All vacancies by resignation or otherwise of the commissioners shall be filled by the County Courts of the counties aforesaid. The commissioners shall be allowed out of the funds arising from the tolls on said road the sum of one dollar each per day for their services while engaged on said road.

Rates of toll.

§ 4. The rates of toll at the gate aforesaid shall be the same rates now allowed by law for five miles of turnpike or plank road within this State.

Penalty for evading toll.

§ 5. That the hands within the boundary of said road shall, in the discretion of the commissioners aforesaid, be exempt from the toll herein provided.

§ 6. Any person who shall evade or refuse to pay the toll herein provided, shall be subject to a fine of ten dollars; and said fine shall go to the commissioners aforesaid,

for the benefit and improvement of said road; and for a violation of this section, the gate-keeper or any one of said commissioners is authorized to obtain a warrant from a Justice of the Peace or the County Judge, for the apprehension of such person, which warrant shall be served by the Sheriff or any Constable of the county, by arresting said person and taking him before any Justice of the Peace, who shall forthwith proceed to try the same; and if upon conviction he shall fail to pay the fine and costs, shall be forthwith committed to the county jail, for a period of not less than one nor more than five days.

§ 7. That the County Courts of Pulaski and Wayne, a majority of the Justices of said county concurring, may and they are hereby authorized to appropriate a sum or sums of money not exceeding five hundred dollars for Wayne and two hundred and fifty for Pulaski county, for the purpose of improving said road under the provisions of this act; and said courts are authorized to receive subscriptions to said road from individuals at any time, and to collect the same, and shall order the same to be paid over to said commissioners. That the General Assembly hereby retains the power to amend, alter, or repeal this act at any time; and this act shall take effect from and after its passage.

The County Courts of Pulaski and Wayne may subscribe and receive subscriptions.

Approved March 3, 1856.

CHAPTER 235.

AN ACT for the benefit of James C. Edwards, late Sheriff of Green county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That James C. Edwards, the Sheriff of Green county, be and he is hereby allowed the further time until the fifteenth day of May next to make out and return his list of delinquents who have failed to pay their county levy and revenue tax for the year 1855.

Approved March 3, 1856.

CHAPTER 238.

AN ACT to amend the charter of the Greensburg and Taylor County Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Greensburg and Taylor County Turnpike Road Company be and they are hereby authorized to extend their turnpike road from or near the Green county line to Campbellsville, in Taylor county; and for that

1856.

purpose the said company may, if necessary, increase its capital stock to an amount sufficient to complete said road, by subscriptions thereto in shares of twenty-five dollars each.

§ 2. That the Board of Managers of said company may, at any time they may deem proper, call a meeting of the stockholders of said company, or of the subscribers for capital stock, for the purpose of taking a vote upon the propriety of building the said extension; and if at such meeting a majority of the stock vote for making said extension, then said Board of Managers may do all and every act and thing necessary to have said extension surveyed, to receive grants of the right of way, or have the same condemned according to law, and to contract for the construction and completion of said road: *Provided*, One month's notice of the time and place of meeting shall be given by written advertisement posted in four public places convenient to said road.

§ 3. The said company may receive subscription to its capital stock to be paid in labor, or in the construction of any part of said road.

§ 4. The said Board of Managers may call on the subscribers of said company, for their respective subscription, and may designate the time and place of the payment thereof, and may enforce the payment of the same by legal coercion. And any subscriber who shall fail or refuse to pay the amount so called for, for thirty days after the same shall have become due, such subscriber shall pay, in addition to the amount so called for, one per cent. per month on the amount called; and if such subscriber fails or refuses to pay the amount so called for, together with the penalty hereby imposed, for six months, he shall forfeit to said company such shares as may be in such arrearages, and all he may have paid thereon: *Provided*, That not more than ten per cent. on the capital stock subscribed shall be called in any one month: *and provided further*, That no subscriber shall be subjected to the payment of the per centage, or the forfeiture of his stock as herein provided, unless the time and place of payment of such call shall have been advertised twenty days before the same shall be due, at three public places in the neighborhood of said road.

§ 5. The said Board of Managers may designate the places for the erection of toll gates, and they may regulate, change, and control the rate of tolls to be charged on said road; but the rates charged shall not exceed those prescribed by the general laws of this Commonwealth.

§ 6. This act shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 239.

1856.

AN ACT for the benefit of John Friend, Jailer of Floyd county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the Treasurer in favor of John Friend for the sum of seventy-five dollars and eighty-two cents, for keeping and taking charge of William McKee and B. Puckett, lunatics, under orders of the Floyd Circuit Court; to be paid out of any money in the treasury not otherwise appropriated.

Approved March 3, 1856.

CHAPTER 240.

AN ACT for the benefit of Iron Masters in Lyon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the provisions of an act, entitled, an "act for the benefit of Iron Masters in Caldwell county," approved 16th January, 1851, be and the same are hereby extended to the county of Lyon.

Approved March 3, 1856.

CHAPTER 243.

AN ACT authorizing the County Court of Lyon county to establish an additional voting place in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Lyon county be and is hereby authorized to establish an additional voting place in the Rolling Mill district in said county, at such place, as near the centre of the district, as may be convenient and proper, in the discretion of the court.

Approved March 3, 1856.

CHAPTER 244.

AN ACT to amend the charter of the Bank Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Bank Lick Turnpike Road Company may contract with the city of Covington for the surrender to said city of all that part of said road which lies within the cor-

1856.

porate limits of the city, or for the surrender of any part of such part.

§ 2. The said turnpike road company be and is hereby authorized and empowered to cause any land within one mile of said road to be condemned agreeably to the laws regulating cases of *ad quod damnum*, for the purpose of getting stone for the repair of said road.

Approved March 3, 1856.

CHAPTER 245.

AN ACT to incorporate the Buffalo and Hamilton Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
name and pur-
poses.

§ 1. That a company be and is hereby formed and created a body politic and corporate, by the name and style of the Buffalo and Hamilton Turnpike Road Company, for the purpose of constructing an artificial road, on the McAdam's plan, from a point on the Union and Burlington road, known as John C. Reiley's gate, in Boone county; thence with the Burlington and Big Bone road, as near as practicable, to a point in said road near a gate leading to Mrs. F. Smith's; thence running past Big Bone church; thence to Hamilton.

Capital stock.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each.

Books opened

§ 3. That a book or books may be opened for the subscription of stock in said company, at Union, under the direction of L. L. Yowell, J. B. Fraizer, John C. Riley, and Henry B. Corbin; and at Hamilton, under the direction of John J. Miller, Richard Johnson, William R. Johnson, and M. M. Black, as commissioners, on the first Saturday in March, 1856, or as soon thereafter as may be convenient and the commissioners shall direct; and they may continue the books open as long as they may think proper.

Obligation.

§ 4. The subscribers shall in the books of the commissioners enter into the following obligation, to-wit: "We whose names are hereunto subscribed, do respectively promise to pay to the President, Directors, and company of the Buffalo and Hamilton Turnpike Road Company, twenty-five dollars for each share of stock set opposite to our names, at such times as we may designate, and pay the same in such proportions and at such times as the said President and Directors may require, after the same becomes payable; witness our hands this — day of —;" which amounts shall be collected in the proper courts.

§ 5. So soon as five thousand dollars are subscribed to the capital stock of said company, it shall be the duty of the commissioners named in the third section of this act to give notice, in such manner as they may think proper, for a meeting of the stockholders at such time and place as they may think proper to designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are duly elected. The times and places for all elections after the first, shall be fixed by the President and Directors of said company for the time being. A majority of the commissioners shall be competent to transact all business.

§ 6. So soon as said company is organized, by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the Buffalo and Hamilton Turnpike Road Company; and by that name and style shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock and increase and profits thereof, and of taking and holding, by purchase and gift, all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their work or the object of this corporation; they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity or elsewhere; also to have and use a common seal, and generally to do all and every matter or thing which a corporation may lawfully do to effect the objects for which this corporation is created.

§ 7 That so much of an act, entitled, "an act to incorporate the Warsaw Turnpike Road Company," approved February 12, 1849, as is embraced in sections 7, 8, 9, 10, and 11, be and the same is hereby re-enacted and adopted as a part of this act, except that part of section 9, where the name of Gallatin is used in said section, the name of Boone shall be used in this act: *Provided*, that nothing herein contained shall authorize any subscription of stock upon the part of the State.

Approved March 3, 1856.

1856.

Organization.

Corporate powers.

CHAPTER 246.

AN ACT to incorporate the Bardstown and Cedar creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company may be formed, and created a

1856.

Corporate
name.
Locality of
road.

Capital stock.

Books opened

Organization.

Corporate
powers.Powers of the
directory.

body politic and corporate, by the name and style of the Bardstown and Cedar creek Turnpike Road Company, for the purpose of making a turnpike road from Bardstown to a point near Craven's Spring, on the road to Boston.

§ 2. The capital stock of said company shall be fifteen thousand dollars, to be divided into shares of twenty-five dollars each.

§ 3. The books for subscription of stock shall be opened by B. B. Summers, Thomas Warthen, George Hays, E. Gore, Notley Belmear, David Irven, Beverly Mann, W. H. Doom, Leonard Troutman, who are hereby appointed commissioners for said purpose, at such times and places as they or a majority of them shall deem proper. When the sum of five thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of the commissioners named in this section, to give notice in such manner as they may think proper, for a meeting of the stockholders at such time and place as the notice may specify, for the purpose of electing a President and five Directors; one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are elected, and qualified. The times and places of all elections, after the first, shall be fixed by the President and Directors; and a majority of the board shall be competent to transact business.

§ 4. So soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the President and Directors of the Bardstown and Cedar creek Turnpike Road Company; and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding, by purchase or gift, all such lands, tenements, and hereditaments, real or personal property, as may be necessary for the prosecution of their work, or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity or elsewhere; also to have and use a common seal, and generally to do all and any act, matter, or thing, which a corporation may lawfully do to effect the objects for which this corporation is created.

§ 5. Said President and Directors shall fix and regulate the elevation and grade of said road, the width of the part thereof to be covered with stone or gravel, shall designate the point at which said road shall enter the corporate limits of Bardstown, and the point near Craven's Spring, where it shall terminate, shall designate a place

1856.

Tolls.

for erecting a toll gate, may fix the rates of toll, may regulate and change the same; but said rates shall not exceed those prescribed by the general law. The President and Directors shall have power, after three miles of said road shall have been completed, to erect a gate, and collect toll, and shall apply the proceeds thereof to the completion of the road.

§ 6. The President and Directors, with their surveyors, engineers, artists, and chain carriers, are hereby authorized and empowered, to enter in, and upon the lands, and inclosures, public roads, and highways, in, through, and over which the intended road may pass, and to examine and survey the ground most proper for that purpose, to examine quarries or beds of stone, gravel, and other material necessary for the construction of said road.

§ 7. It shall be lawful for the President and Directors, with their superintendents, engineers, workmen, with their tools, instruments, carts, wagons, and other carriages, and their beasts of draught or burthen, to enter upon the land in, and over, contiguous and near to which said road shall pass, having first given notice of their intention, to the owner and occupiers thereof, or their agents: *Provided*, that if the President and Directors, shall not agree with the owners of the land, through which said road is to pass, as to the damages which the owners may sustain by the road passing through their lands, the President and Directors shall apply to the County Court of Nelson county for a writ of *ad quod damnum* to assess the damages which may be sustained by the owners of said land; and the jury in assessing the damages, shall take into consideration the advantages and disadvantages resulting to the party claiming damages, by the establishment of said road; and upon the payment or tender of the damages assessed, it shall be lawful for the President and Directors to open and make said road, and dig and carry away any stone, gravel, or other material necessary for the construction or repairing of said road.

Damages.

§ 8. The President shall give notice, in such manner as he may deem proper, of the amount of call on each share of stock, and of the time of payment; and if any stockholder shall neglect to pay his amount of stock so called for, for the space of thirty days after the time of payment, such stockholder shall, in addition to the amount so called for, pay at the rate of one per cent. per month for every delay of payment; and if he shall fail to pay the amount of call, and the penalty aforesaid, for the space of six months after the time such payment is required, he shall forfeit such share or shares to the corporation, together with the amount he shall have paid thereon: *Provided*, that no stockholder shall vote at any election, or be entitled to any rights of a member of said company, unless

Calls.

Delinquent stock.

1856.

Officers.

Penalty for
evading pay-
ment of tolls.Nelson County
Court may sub-
scribe stock.

the whole amount due and payable as aforesaid on each share by him held shall have been paid, agreeable to the requisition of the President.

§ 9. The President and Directors shall appoint a Treasurer, and such other officers as they may deem necessary, with such compensation for their services as the President and Directors may deem just, who shall hold the offices for one year, and until others shall be appointed and qualified. The Treasurer of said company, before he enters on the duties of his office, shall give bond and security in such penalty as the President and Directors may require, payable to them, conditioned to pay over any amount in his hands, to the order of the President and Directors.

§ 10. That if any person shall go around or turn off from said road, with the fraudulent intent of avoiding the payment of toll as fixed by the President and Directors aforesaid, he or they shall, on conviction thereof before a Justice of the Peace of Nelson county, be fined five dollars, to be collected as other sums under the jurisdiction of Justices of the Peace of this Commonwealth.

§ 11. The County Court of Nelson county shall have power, a majority of the Justices concurring to subscribe a sum not exceeding five hundred dollars per mile to the capital stock of said road, to be regarded as other stock.

Approved March 3, 1856.

CHAPTER 247.

AN ACT to revive and modify an act, entitled, "an act to incorporate the Barren River Navigation and Manufacturing Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled, "an act to incorporate the Barren River Navigation and Manufacturing Company," approved February 6th, 1846, shall be and the same is hereby revived and re-enacted, with the following modifications, to wit: Said company may carry into effect either one or more of the three leading objects of said act without accomplishing the rest. Books shall be opened in said town on the first Monday in April next, under the superintendence of J. R. Underwood, G. C. Calvert, and H. Courts, for the subscription of stock in said company, according to the terms of the act hereby revived. Upon the organization of the company by the election of the first President and Directors, the said company shall have two years thereafter within which to commence operations, and ten years after their commencement to complete the whole of the objects of said act; and if any one or more of the three leading objects of said act, to-wit, the construction of a dam and lock, the building of a bridge,

and watering the town of Bowlinggreen, have not been completed, this charter shall be void so far as it regards the object not completed within said ten years.

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Approved March 3, 1856.

CHAPTER 248.

AN ACT to amend the charter of the Dry Creek and Covington Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the President and Directors of the Dry Creek and Covington Turnpike Road Company be and they are hereby required to remove the toll gate on said road which is between the city of Covington and the town of Ludlow, to any point west of where it now is, not less than one-half mile distant therefrom; and that any law authorizing the establishment of said toll gate where it now is, is hereby repealed.

§ 2. The said company shall not be required to keep the mettaled part of said road more than fifteen feet wide.

Approved March 3, 1856.

CHAPTER 249.

AN ACT for the benefit of the Methodist Episcopal Church South, in Shelbyville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the Trustees for the time being of the Methodist Episcopal Church South, in Shelbyville, to sell and convey the house and lot of ground now occupied by them as a house of worship, and apply the proceeds toward paying for a new house of worship for said church in said town.

Approved March 3, 1856.

CHAPTER 250.

AN ACT for the benefit of the Georgetown and Lemon's Mill Turnpike Road.

WHEREAS, It is represented that the proceeds of the toll gate on the turnpike road leading from Georgetown to Lemon's Mill, in Scott county, are not sufficient to keep said road in repair, after paying other and indispensable expenses: and for remedy whereof,

1856.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the President of said turnpike road company to summon the hands belonging to the stockholders in said road and from time to time work the same and keep it in repair: *Provided, however,* That said President shall be controlled in the exercise of the power hereby invested in him by the existing road laws of this Commonwealth.

§ 2. That the hands belonging to the stockholders in said road shall be and they are hereby exempted from working on all other roads in said county, except the one mentioned in the foregoing section of this act. This act shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 251.

AN ACT to authorize the County Court of Mercer to subscribe stock in a certain turnpike road.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for the Judge of the Mercer County Court, a majority of the Justices of the Peace for said county concurring, to subscribe and take stock and hold the same in a turnpike road proposed to be made in said county, commencing at Munday's Landing, on the Kentucky river, thence running the most direct and practicable route, until it reaches the turnpike leading from Salvisa to Harrodsburg, at a point between Eldorado and Harrodsburg; that the said County Judge, with a majority of said Justices, are hereby authorized to levy and collect, if they see proper, a sum sufficient to pay the amount of stock subscribed in said road, which shall not exceed the sum of \$1000 per mile; and the levy so made shall be collected in the manner that is required by law in other county levies; that the said County Court so becoming a stockholder shall have power to vote by proxy appointed by said court, in the election of all officers and other persons necessary for said road; and the dividends arising from the stock subscribed by the County Judge in said road, shall go to lessen the levy of said county.

§ 2. That said road may be made and conducted under the provisions, regulations, and conditions prescribed in chapter 103 of the Revised Statutes, entitled, "turnpike and plank roads," so far as the same is consistent with this act: *Provided, also,* It shall not be necessary for said road to be five miles in length.

§ 3. That so soon as the said County Judge shall be informed by the company, organized under the chapter of the Revised Statutes referred to, that said road has been completed and ready for travel, he shall appoint some competent person to view said road, who shall make his report in writing, sworn to ; and if it appears by the report so made, that said road is in condition and has been constructed according to the provisions of this act and the Revised Statutes, said Judge shall make an order directing a toll gate to be erected upon said road, and fix the rates of tolls to be charged, which tolls shall not exceed the rates fixed for turnpike roads in the chapter of the Revised Statutes referred to.

1856.

Approved March 3, 1856.

CHAPTER 252.

AN ACT to incorporate the Nelson county Agricultural Society.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Felix G. Murphy, President, A. C. Wilson, Wilson Samuels, and Edward L. Miles, Vice-Presidents ; and James Maxwell, Thos. S. Speed, William Hunter, Morgan R. Yewell, C. P. Mattingly, James Minor, Wilson Bowman, Abner King, Miles Hagan, Joseph Brown, Thos. P. Linthicum, Isaac H. Miller, Wm. Elliott, Joseph Hart, and Henry Harned, Directors, be and they are hereby constituted a body politic and corporate, with perpetual succession, under the name and style of the "President and Directors of the Nelson county Agricultural and Mechanical Association," with power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law or equity ; and shall be capable of acquiring, by purchase or otherwise, any quantity of land not exceeding twenty-five acres, and may improve, sell, and convey the same, or any part thereof, at pleasure ; and may acquire, hold, and dispose of such personal estate as the President and Directors may deem proper and necessary.

Corporate name and powers.

§ 2. That the President and Directors shall continue in office until the second Monday in May, 1856, and until their successors are duly elected and qualified ; an election however of a President, three Vice-Presidents, and fifteen Directors shall be had on the second Monday in May, 1856, by the stockholders of said association, and annually thereafter, unless the stockholders of said association, at an annual election shall by resolution fix upon a different day ; and they may at an annual election reduce the number of Directors.

Election and officers.

1856.

Powers of President and Directors.By-laws.Opening books. ofQuorum.

§ 3. The prudential, fiscal, and other concerns of said association, together with all its estate of every kind, shall be under the control and management of the President and Directors, and they shall have power to appoint a Treasurer and Secretary, and such other officers as they may deem necessary to carry out the purposes of said association ; and they shall require of the Treasurer bond with good security for the faithful discharge of his duty.

§ 4. Said President and Directors shall have power to make such regulations and by-laws, not inconsistent with the constitution and laws of this Commonwealth, as, in their opinion, may contribute to the good order and management of said association, and may from time to time modify and repeal the same at their pleasure, they shall have power to contract and be contracted with, in their corporate name, and to do any and every other act, not inconsistent with the constitution and laws of this Commonwealth, which in their opinion will contribute to advance the objects of said association.

§ 5. Said President and Directors shall have power to open books and receive subscription of stock in said association in shares of twenty dollars each.

§ 6. Any five members of the Directory, together with the President, or one of the Vice-Presidents, shall be a quorum for the transaction of business, unless the association shall fix on and require a different number.

§ 7. The Legislature retains the power to repeal, amend, or alter this charter.

Approved March 3, 1856.

CHAPTER 253.

AN ACT for the benefit of the estate of R. W. Waring, deceased, late Sheriff of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That Jeremiah Davidson, administrator of the estate of R. W. Waring, late Sheriff of Greenup county, shall have two years, from and after the passage of this act, to collect all taxes and fee bills due to the said R. W. Waring, late Sheriff as aforesaid, and distrain for the same. This act shall take effect from its passage : *Provided*, that the estate of said Waring in the hands of his said administrator, shall be subject to all the laws now in force in regard to issuing and collecting illegal fee-bills.

Approved March 3, 1856.

CHAPTER 254.

AN ACT for the benefit of Worden Kendall.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be and he is hereby directed to draw his warrant on the Treasurer in favor of Worden Kendall, for the sum of eighty-nine dollars, for carrying Dudley Jones, a lunatic, to the asylum at Lexington; to be paid out of any money in the Treasury not otherwise appropriated. This act to take effect from its passage.

Approved March 3, 1856.

CHAPTER 255.

AN ACT for the benefit of Thomas W. Pickering, Sheriff of Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be and is hereby authorized to draw his warrant upon the Treasurer in favor of Thomas W. Pickering, Sheriff of Caldwell county, for the sum of seventeen dollars and thirty-eight cents, it being the amount incurred by him as expenses in taking David Palmer to the lunatic asylum at Hopkinsville, in pursuance of an order of the Caldwell Circuit Court; and that the same be paid out of any moneys in the Treasury not otherwise appropriated. This act shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 256.

AN ACT to change the place of voting in Leache's district, in Bullitt county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the place of voting in Leache's precinct, No. 4, in Bullitt county, now at the house of Enoch Leach, be and the same is hereby changed to the house of Frank Crist, in said precinct.

Approved March 3, 1856.

1856.

CHAPTER 260.

AN ACT to authorize the Clerk of the Grant County Court to purchase Deed Books A and B, and transcribe the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That B. N. Carter, Clerk of the Grant County Court, be authorized to purchase two well bound deed books, and to copy therein the writings on record of the said original deed books A and B, of said county; and that the County Court of Grant county shall allow him a fair compensation for the purchase of said books, and for transcribing deed books A and B, at the next Court of Claims held for said county of Grant, after the said B. N. Carter shall have shown to the satisfaction of the court that he has purchased said books, and transcribed them as directed by this act.

Approved March 3, 1856.

CHAPTER 261.

AN ACT to incorporate the Ebenezer Baptist Church, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Body politic
and corporate.

Corporate
powers.

Term of office.

§ 1. That Jacob Rhoad, M. H. Utley, and J. J. Candiffe, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of the Trustees of Ebenezer Baptist Church, in Muhlenburg county; and by that name to have perpetual succession, with all the powers incident to corporations, for the purpose of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, so far as may be necessary to protect and preserve the rights, titles, privileges, and immunities of the said church which now do, may, or shall hereafter belong to the same; also to buy any lot or lots, and receive conveyances therefor, or for any real estate which may have been heretofore purchased by the Trustees of said Church, or by other persons for the use of the same, or which may be hereafter given or devised to them for the use of said church—all of which property shall pass to them and their successors in office forever, pursuant to the desire or express limitation of the grantor.

§ 2. That the said Trustees hereby appointed shall continue in office so long as they shall continue to be members of said church, unless they sooner resign or refuse to act; and whenever vacancies may occur, it shall be lawful for the same to be filled pursuant to said church's discipline, and the rules and regulations of said Trustees.

§ 3. That a majority of said Trustees shall constitute a quorum to do business; and as such it shall be their duty and they are hereby authorized and empowered to keep a fair record of all their proceedings; to appoint all such officers as they may see proper and fit in pursuance of their discipline, and to pass such by-laws and regulations, relative to the government and control of said building and church, as they may think proper, not inconsistent with the rules and discipline of said church, the constitution of the United States or this State, and laws of the same.

1856.

Quorum.To appoint officers.

Approved March 3, 1856.

CHAPTER 262.

AN ACT regulating certain streets and buildings in the town of Williamsburg, and taxing certain buildings adjacent thereto.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that upon certain streets in the town of Williamsburg, in Whitley county, some of the buildings have from time to time been erected irregularly, extending in some instances several feet into the streets, not however in such manner as to interrupt the free and convenient use of the same: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Trustees of said town are hereby authorized to sell the ground so occupied in such streets, to those individuals holding the property, and to make deeds thereto in the same manner that other corporations make conveyance of real estate.

§ 2. That if the Trustees and the holder of such building or buildings as extend into the streets shall not be able to agree upon the price to be paid for the ground so occupied, then the Police Judge of said town shall order a jury to be summoned, of disinterested citizens of said county, (none of whom shall be citizens of said town,) whose duty it shall be to assess the value of the ground so occupied. If the amount as ascertained by such jury be less than the sum offered to be accepted, by the Trustees, then the Trustees shall pay the costs of the jury. If the assessment be greater in amount than the sum offered by the owner of the property, then the owner shall pay the costs of the assessment.

§ 3. That the Trustees of said town shall have no power to authorize any building or buildings, hereafter to be erected on any of the streets of said town, except upon those streets where buildings already extend into the streets: then they may permit other buildings bordering

1856.

on said streets to be erected in such manner as may best agree with the positions of those already established thereon: *Provided*, it shall not interrupt the convenient use of such streets; and the Trustees may sell and dispose of the ground so to be occupied, in the manner herein provided for selling and disposing of that already so occupied.

§ 4. When the owner of any building extending into the streets of said town shall, after the passage of this act, refuse to purchase the ground so occupied, in the manner and under the provisions of this act, then such property holder shall be liable to any or all the penalties for obstructing the streets, that the Trustees of said town now are, and may be inflicted in the same manner as the penalties now inflicted upon said Trustees for such offense; but in all cases before any such fine or penalties shall be imposed, it shall be clearly proven that said owner had offered to him by said Trustees the privilege so to purchase, and refused so to do.

§ 5. That the Trustees of said town shall have power to impose a town tax upon the residences, and the buildings thereto belonging, of Wm. S. Cook and J. C. Watkins, which property is situated immediately without the corporate limits of said town: *Provided*, that the said Cook and said Watkins shall consent to the exercise of such power; which consent if so given shall be entered of record in the Police Court of said town; and upon such consent being given, the said Cook and the said Watkins, or either of them, if he alone consents, shall be entitled to hold and to exercise any privilege, right, or immunity, granted to any citizen of said town by the corporation laws thereof, such as that of voting in the police election, or holding office under the police corporation.

§ 6. This act shall take effect from and after its passage.

Approved March 3, 1856.

CHAPTER 264.

AN ACT for the benefit of the late Sheriffs of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. S. Parker, late Sheriff of Lewis county have further time of two years to collect the taxes, fee bills, and muster fines in his hands uncollected, in the same manner prescribed by law for the collection of taxes, fee bills, &c.

§ 2. The provisions of this act shall apply to J. M. Todd, late Sheriff of said county.

§ 3. This act shall take effect from its passage.

Approved March 2, 1856.

1856.

CHAPTER 267.

AN ACT to incorporate the Barren River High School.

WHEREAS, it is represented to the present General Assembly of the Commonwealth of Kentucky, that two associations of United Baptists, to-wit: Liberty Association and Bay's Fork Association, located in part in the counties of Barren, Hart, Edmonson, Butler, Warren, and Allen, have united their efforts for educational purposes; and whereas, James C. Rush, John Bennam and E. D. Garrison, committee from Liberty Association, and H. S. Mitchell, G. W. Claypóol, and Samuel Sears, committee from Bay's Fork Association, have been requested to memorialize the Legislature of Kentucky, now in session, for a charter for a high school, to be called the Barren River High School. Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James C. Rush, N. G. Terry, E. D. Garrison, S. A. Gossom, Samuel Sears, J. W. Henderson, George W. Claypool, Thomas J. Morehead, and John Bennam, be and they are hereby constituted a body corporate and politic; they and their successors in office to be known by the name and style of the Trustees of the Barten River High School; and by that name to have perpetual succession; to have and use a common seal, the same to alter or change from time to time, or use their private seal, as they may think proper; to sue or be sued, plead or be impleaded, in any court either in law or equity. The said Trustees to hold their offices two years, and until their successors shall be appointed as hereinafter provided for.

Corporate
name and pow-
ers.

Term of office.

§ 2. That the successors to said Trustees, and their successors, shall be appointed every two years, by the associations, (in connexion,) at their regular meetings, in the following proportions, that is to say: five to be appointed by Liberty Association and four to be appointed by the Bay's Fork Association, to continue in office until their successors are appointed.

How Trustees
to be selected.

§ 3. That said Trustees, in their corporate capacity, and their successors in office, are hereby vested with full power to receive by deed, devise, or in any other manner any money or property, either real or personal, and the same to hold or dispose of, for the use of said Barren River High School: *Provided*, that real estate so held shall not, at any time, exceed fifty thousand dollars: *and*

Powers of the
Trustees.

1856.

provided further, that such bequests or donations shall be held or used in such manner as may be directed by the devisor or donor.

§ 4. That the Board of Trustees shall have power to pass by-laws for their government and the government of the high school, as to them shall seem right, not inconsistent with this act, and the constitution and laws of this State, and the constitution and laws of the United States, and the same to alter or amend. The location of said high school having been by virtue of the aforesaid associations, already made, they shall have power, either by themselves or in connexion with the building committee, to make contracts for the erection of suitable buildings; to employ competent professors, as Principal and teachers, and to remove the second Principal or teachers, when in their judgment the interest of the high school shall require it: *Provided*, that a majority of the Trustees in office shall concur in making or amending the by-laws, and in making contracts for the erecting of suitable buildings, employing professors or teachers, and in removing the same.

Chairman.

§ 5. That the Board of Trustees shall elect from their own body a Chairman, who shall preside over their deliberations of the board, decide points of order, and in case of a tie on any question, shall give the casting vote.

§ 6. The Chairman shall have power to call a meeting of the board when in his opinion the interest of the board shall require it. Any two members of the board may call a board in the absence of the Chairman, or upon his failure to attend, or when the interest of the high school shall so demand.

Record of proceedings.

§ 7. The Board of Trustees shall keep a fair record of their proceedings, subject to the inspection of the associations, or a committee appointed by any one of the associations represented in this charter, or who may become interested, upon terms as hereinafter specified, and shall report to the associations at their annual meetings in every year.

Vacancies.

§ 8. That the Trustees in office shall have power to fill vacancies in the board until the next meeting of the association in which the vacancy occurred. Four members of the board, the Chairman being one of them, shall be a quorum to do all other business than that in which it is herein required that a majority shall concur.

§ 9. When at any time at the annual sessions of the Liberty and Bay's Fork Associations or either of them, any other association of Baptists in union with them shall desire to become a party with said associations upon terms of equality, in governing and sustaining said high school, said association will be authorized to receive one

or more of such, upon such terms of equity as before described.

1856.

§ 10. The Legislature reserves to itself the power to alter or amend this charter, but in no case shall it divest the institution of its property, or any part thereof.

Approved March 3, 1856.

CHAPTER 269.

AN ACT for the benefit of E. C. Ashcraft.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be and he is hereby directed to draw his warrant on the Treasurer in favor of E. C. Ashcraft, for the sum of fifteen dollars, it being the amount overpaid by him for tavern license; to be paid out of any money in the Treasury not otherwise appropriated; this act to take effect from its passage.

Approved March 3, 1856.

CHAPTER 270.

AN ACT to incorporate the First Presbyterian Church of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Gen. John Pogue, Hugh A. Pogue, R. C. Pogue, Hugh Means, and John Burwell, and their associates, being seatholders or members in full fellowship or communion in the Presbyterian Church of Ashland, known heretofore as the Bethesda Church, and such others as may hereafter associate with or succeed them, be and they are hereby created a body politic and corporate, by the name of the First Presbyterian Church of Ashland; and as such shall have perpetual succession, and be capable in their corporate capacity of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts of law and equity; may have a common seal, which they may break, alter, or renew at pleasure; shall be capable of receiving, acquiring, and holding, either by purchase, gift, demise, or otherwise, any estate, real, personal, or mixed, and may lease, mortgage, sell, and convey the same in any manner or for any purpose not inconsistent with the conditions of the grantors, donors, or devisors; shall have power to adopt, change, and alter such by-laws, rules, and regulations for the management of the property and secular concerns of said corporation as they may deem expedient, prescribe the

Corporators' names

Corporate powers

May make by-laws

1856.

number and title of the corporation officers, and their respective powers and duties: *Provided*, That same be not repugnant to the laws and constitution of the United States and of the Commonwealth of Kentucky, and the form of government and discipline of the Presbyterian Church in the United States of America: *and provided*, That the value of all such estate shall not exceed twenty thousand dollars, nor shall it own more than fifty acres of land: *and provided, also*, That all such property shall be considered as held in trust and under the management and at the disposal of said corporation, for the purpose of promoting the interests of said church, defraying the expenses incident to their mode of worship, and maintaining any institutions of charity or education that may be connected therewith: *Provided moreover*, That where money or any other property shall be given or granted, bequeathed or devised to said society, for any particular purpose or use, it shall be faithfully applied to said use or purpose.

Powers of corporation.

Property owned by Bethesda Church vested in corporation.

Extra meetings may be called.

Trustees.

§ 2. That the power of said corporation shall be confined exclusively to the control and management of the property held by them, agreeably to the provisions of this act, and so as to promote and advance the objects herein specified.

§ 3. That all the estate, real or personal, now held or possessed by the Bethesda Church in trust for it, be and the same is hereby declared vested in the corporation hereby created, under the limitations and restrictions of the first and second sections of this act; and the aforesaid corporation and officers are hereby authorized and empowered to sell, lease, or otherwise invest any property held by the corporation for the use and benefit of said corporation: *Provided*, That they shall never purchase or sell any real estate without the concurrence of a majority of the members of the corporation; and it shall be their duty annually, at such time as the corporation may direct, to make out and exhibit a full and fair account of the receipts and disbursements of the preceding year.

§ 4. That extra meetings of the corporation may be called by the above officers, they giving at least ten days public notice previously—such notice to be given at the usual time and place of worship for the congregation; and this shall be done whenever they receive a written request to that purpose from any five members of the corporation.

§ 5. That the five persons named in the first section of this act be corporation officers of said church, to be called Trustees, who shall severally hold their respective offices and have the management of the affairs of said corporation for one year, or until others shall be chosen in their places, agreeably to the rules of said corporation to be made as herein before provided.

§ 6. That the General Assembly of the Commonwealth of Kentucky shall have power to alter, amend, or modify this act; but any such alterations, amendments, or modification shall not divest any property or funds of said corporation from the purposes expressed in this act.

§ 7. *Be it further enacted*, That within sixty days after the passage of this act, it shall be the duty of the Trustees to have a certified list of the names of the Trustees of said corporation presented to the County Court Clerk of Greenup county, which list the Clerk shall record in his office; and when any change shall be made in the Board of Trustees aforesaid, the names of the new Trustees shall be recorded as aforesaid, and the Clerk shall be entitled to the same fees that he is allowed for similar services.

§ 8. That whenever any vacancy occurs in the Board of Trustees, either by the death, resignation, or removal of any of the members thereof, said vacancy shall be filled by the appointment by the rest of the members of the Board; and the persons thereby appointed shall act as Trustees until the annual meeting next ensuing his or their appointment, and until his or their successor shall be appointed.

§ 2. This act to take effect from and after its passage.

1856.

Legislature
may amend, &c.

Certified list
of Trustees to
be handed to
clerk of Green-
up county court.

Vacancies how
filled.

Approved March 3, 1856

CHAPTER 271.

AN ACT for the benefit of Thomas S. Terrell, of Ballard county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be and the same is hereby given to Thomas S. Terrell, late Sheriff of Ballard county, to list and collect his fee bills, revenue and county levy, under the same rules and regulations as required by law during the time he was in office.

§ 2. This act to take effect from its passage.

Approved March 3, 1856.

CHAPTER 272.

AN ACT to authorize actions between the county of Jefferson and the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the county of Jefferson shall have power and authority to institute any suit or suits in the Jefferson Circuit Court, or the Louisville Chancery Court, against the

1856.

city of Louisville, for the recovery of any claim or claims which are due or may become due from said city to the county, growing out of any contract or contracts now in existence, or which may hereafter be entered into between the authorities of each of said parties ; and said city may also sue said county ; and service of process on the Presiding Judge of said County Court shall be sufficient ; or they may make an agreed case in relation thereto, under the general law ; and each of said courts has and is hereby clothed with authority and jurisdiction over the cases ; and either party shall have the right to appeal from the judgment or decree of said court so rendered, in the manner now prescribed by law. This act shall take effect from the date of its passage.

Approved March 3, 1856.

CHAPTER 275.

AN ACT for the benefit of Zachariah B. Sailor, late Sheriff of Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That Zachariah B. Sailor, late Sheriff of Harlan county, be and he is hereby allowed the further time of one year, from and after the passage of this act, to wind up his business: *Provided*, That nothing in this act shall be so construed as to exempt said Sailor and his securities from liability on their bond for a violation of law.

Approved March 3, 1856.

CHAPTER 276.

AN ACT for the benefit of William Corum, Clerk of the Greenup Circuit and County Courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That from and after the passage of this act, the further time of two years is hereby allowed to William Corum, Clerk of the Greenup Circuit and County Courts, to list and collect his fee bills, for the years 1850, 1851, 1852, 1853, and 1854, and distrain for the same: *Provided*, however, that said Corum shall be subject to the laws now in force in regard to issuing and collecting illegal fee bills.

Approved March 3, 1856.

CHAPTER 278.

1856.

AN ACT for the benefit of Lemuel Hibbard, late Sheriff of Laurel county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Lemuel Hibbard, late Sheriff of Laurel county, be and he is hereby allowed two years, from and after the passage of this act, to collect his fee bills and arrears of taxes, county levy, and other fees due him as Sheriff, as aforesaid, and may distrain for the same, subject to the same rules and regulations that now govern other officers in collecting fee bills and taxes.

Approved March 3, 1856.

CHAPTER 279.

AN ACT giving certain authority to the Presiding Judge of Greenup County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Presiding Judge of Greenup county shall have the power to lease any part of the court house square of said county for any term of years not exceeding thirty-five years, by leases executed in the ordinary way, reserving an annual rent as may be agreed upon by the parties, payable annually to Greenup county, with a lien on the buildings for the payment of the rent. No lease shall be granted except by order upon the records of said county, and not for a greater extent than fifty feet square. The rents shall be applied in aid of the county levy.

Approved March 3, 1856.

CHAPTER 281.

AN ACT to incorporate the First Presbyterian Church in the city of Augusta.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel Boude, John E. McCormick, Joseph T. McKibben, William S. McKibben, and Peter H. Rudd, and their successors in office, be and they are hereby created a body politic and corporate, by the name and style of "the Trustees of the First Presbyterian Church in the city of Augusta," and by that name to have perpetual succession, with all power to sue and be sued, of pleading and being impleaded, so far as may be necessary to protect the rights, titles, property, privileges, possessions and immunities of said church which now or may hereafter belong to the same.

1856.

§ 2. That whenever vacancies may occur in the office of said Trustees, it shall be lawful for them to be filled pursuant to the rules and usages of said church. The right is hereby reserved to the Legislature to alter, amend, or repeal this act, which shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 282.

AN ACT for the benefit of the Methodist Episcopal Church, South, at Alexandria.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John C. Tarvin, Isaac Bartlow, and John G. Hicks, Trustees of the Methodist Episcopal Church, South, at Alexandria, in the county of Campbell, be and they are hereby authorized to sell and convey the lot and meeting house owned by said church, adjoining said town—the proceeds of which they may apply to the payment of any debts said church may have contracted; and if any balance should remain, it may be disposed of in any way that is consistent with the rules and regulations of said church.

Approved March 3, 1856.

CHAPTER 283.

AN ACT for the benefit of the Methodist Episcopal Church at Alexandria.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Trustees of the Methodist Episcopal Church at Alexandria, in the county of Campbell, are hereby authorized to sell and convey a lot of ground, in said town, or any part thereof, containing less than one acre—the proceeds of which may be applied to the payment of any debts the church may have contracted; and if any balance remains after such debts are satisfied, the conference to which said church belongs may appropriate such balance for the benefit of said church, as it may see proper.

Approved March 3, 1856.

CHAPTER 284.

AN ACT legalizing certain proceedings of the Calloway County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That all the sales of certain seminary lands, given to Calloway county for seminary purposes, heretofore made by order of the County Court of said county, are hereby declared legal and valid: and that the order of said court appropriating a portion of the proceeds arising from said sales to the erection of a seminary building in the town of New Concord in said county, be and the same is hereby legalized.

Approved March 3, 1856.

CHAPTER 285.

AN ACT to prescribe the Western boundary of the town of Flemingsburg.

WHEREAS, It is represented to the General Assembly, that in consequence of the loss of the original town map of Flemingsburg, the Western boundary of said town is rendered uncertain: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the limits of said town, on the West side, are hereby declared and established as follows, to-wit: By a line running from Main street, with the old Maysville road, until it intersects the Maysville and Mt. Sterling Turnpike Road; thence south to the point of intersection of a line extended westwardly from the west end of the street or alley running on the town branch; and then to the said west end of said alley; and all the ground embraced within these lines is hereby made and declared to be part of said town, and subject to the laws and ordinances thereof.

§ 2. This act shall take effect from and after its passage.

Approved March 3, 1856.

CHAPTER 286.

AN ACT to incorporate Merrick Lodge, No. 31, I. O. O. F., of the city of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Edgar A. Brown, Joseph Linekart, William S. Chipley, Daniel W. Young, and A. H. Calvin, and their associates and successors be and they are hereby created a body corporate, by the name and style of Merrick

1856.

1856.

Lodge, No. 31, Independent Order Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge, to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend or repeal this act is hereby reserved to the General Assembly. This act shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 287.

AN ACT to authorize the Louisville and Frankfort and Lexington and Frankfort Railroad Companies to consolidate their companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President and Directors of the Louisville and Frankfort Railroad Company and the President and Directors of the Lexington and Frankfort Railroad Company be and they are hereby authorized to contract with each other, in behalf of their respective companies, for a lease by the one company to the other of its road, or for a consolidation of the two roads into one, for such period and on such terms, not inconsistent with the law, as they may mutually concur in and adopt; and if any contract, hereby authorized, shall be ratified by the stockholders holding a majority of the private stock in each road, it shall be mutually binding on each company, but not otherwise.

Approved March 3, 1856.

CHAPTER 288.

AN ACT to incorporate the Evangelic Church and School Association, at Alexandria.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Theobald Stern, Phillip Schneider, and John Raw, and their successors in office, are hereby created a body corporate and politic, by the the name of the Trustees of the Evangelic Church and School Association in Alexandria, in the county of Campbell, and by that name shall have perpetual succession with powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property and privileges of said Association ; and said Trustees may take and hold any quantity of land, not exceeding four acres, for the use and benefit of said Association ; and that the title of the property donated to said Association by Benjamin D. Beall and wife, shall vest in them and their successors for the use and benefit of said Association.

§ 2. That when any vacancy may occur in the Board of Trustees, by expiration, death, removal, or otherwise, it shall be filled in pursuance to the rules and regulations that have been or may hereafter be adopted by the said Association, and which are not incompatible with the laws and constitution of this commonwealth.

§ 3. That the said trustees and their successors in office shall cause to be held in the month of March in each year, an election by the members of said Association, on a day in said month to be fixed by said Trustees, due notice having been extended to the members, for the election of the officers of said Association, provided for or to be provided for in the regulations adopted or to be adopted by said Association.

Corporate name.

Powers.

Vacancies.

Election.

Approved March 3, 1856.

CHAPTER 289.

AN ACT authorizing the sale and distribution of the Calloway county seminary lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of Calloway county, a majority of Justices of the Peace of said county concurring therein, are hereby directed to appoint a commissioner, who, after executing bonds with good security, conditioned for the faithful performance of his duties, and approved by said court, shall advertise, sell and convey, upon such terms as said court shall direct, all the unsold seminary lands

Appointment of commissioner.

1856.

Lodge, No. 31, Independent Order Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge, to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend or repeal this act is hereby reserved to the General Assembly. This act shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 287.

AN ACT to authorize the Louisville and Frankfort and Lexington and Frankfort Railroad Companies to consolidate their companies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President and Directors of the Louisville and Frankfort Railroad Company and the President and Directors of the Lexington and Frankfort Railroad Company be and they are hereby authorized to contract with each other, in behalf of their respective companies, for a lease by the one company to the other of its road, or for a consolidation of the two roads into one, for such period and on such terms, not inconsistent with the law, as they may mutually concur in and adopt; and if any contract, hereby authorized, shall be ratified by the stockholders holding a majority of the private stock in each road, it shall be mutually binding on each company, but not otherwise.

Approved March 3, 1856.

CHAPTER 288.

AN ACT to incorporate the Evangelic Church and School Association, at Alexandria.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Theobald Stern, Phillip Schneider, and John Raw, and their successors in office, are hereby created a body corporate and politic, by the the name of the Trustees of the Evangelic Church and School Association in Alexandria, in the county of Campbell, and by that name shall have perpetual succession with powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, titles, property and privileges of said Association ; and said Trustees may take and hold any quantity of land, not exceeding four acres, for the use and benefit of said Association ; and that the title of the property donated to said Association by Benjamin D. Beall and wife, shall vest in them and their successors for the use and benefit of said Association.

§ 2. That when any vacancy may occur in the Board of Trustees, by expiration, death, removal, or otherwise, it shall be filled in pursuance to the rules and regulations that have been or may hereafter be adopted by the said Association, and which are not incompatible with the laws and constitution of this commonwealth.

§ 3. That the said trustees and their successors in office shall cause to be held in the month of March in each year, an election by the members of said Association, on a day in said month to be fixed by said Trustees, due notice having been extended to the members, for the election of the officers of said Association, provided for or to be provided for in the regulations adopted or to be adopted by said Association.

Corporate name.

Powers.

Vacancies.

Elections.

Approved March 3, 1856.

CHAPTER 289.

AN ACT authorizing the sale and distribution of the Calloway county seminary lands.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of Calloway county, a majority of Justices of the Peace of said county concurring therein, are hereby directed to appoint a commissioner, who, after executing bonds with good security, conditioned for the faithful performance of his duties, and approved by said court, shall advertise, sell and convey, upon such terms as said court shall direct, all the unsold seminary lands

Appointment of commissioners.

1856.

Commissioner's duties.

Common school fund.

May lend the money.

Duty of common school commissioners.

Corporate name and powers.

Trustees.

donated to said county by an act of the General Assembly, approved the 24th of February, 1834.

§ 2. It shall be the duty of said commissioner to collect the amount of said sales, and pay the same over as soon as collected, to the school commissioners of said county, who shall enter into bonds, with security to be approved of by said court, for the faithful performance of the duties hereinafter mentioned.

§ 3. That the principal of said fund is hereby set apart forever, and held inviolate for the purpose of aiding common schools in said county.

§ 4. That the said school commissioners are hereby directed to lend the same upon mortgaged security on unincumbered real estate of at least double the value of the loan, as a rate of interest, payable annually or semi-annually, not exceeding ten per cent. per annum, which is hereby declared legal, or invest the same in bonds of the State of Kentucky as the said court may direct.

§ 5. The interest arising from said fund shall be applied in aid of common schools only.

§ 6. It shall be the duty of said school commissioners to collect the interest arising from said fund as it may fall due, and apportion the same equally among the children in said county between the ages of six and eighteen years, as shown by the report of the Trustees of each school district, except those living in the bounds of the Murray and New Concords school districts, in which seminary buildings have been erected, and which districts are hereby declared to have received their proportion of said seminary lands.

§ 7. This act to take effect from its passage.

Approved March 3, 1856.

CHAPTER 290.

AN ACT to incorporate the Columbia Baptist College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be hereby incorporated, to be called and known by the corporate name of the Columbia Baptist College Company, who shall possess and may exercise corporate powers as hereinafter provided.

§ 2. That James M. C. Lisenbey, Robert T. Coffy, Henry McDonald, Joshua Hatcher, Clayton Miller, William Trabue, and Brooking T. Taylor, be and they are hereby appointed Trustees of said college company, and that they shall possess full power to do and perform all things which may be done and performed under and by virtue of

this act, so long as they continue in office by the provisions hereof.

1856.

Capital.

§ 3. That said Trustees, or any one of them, may take and receive subscriptions of stock or gratuities, to any amount not exceeding in the aggregate the sum of one hundred thousand dollars, to be expended in the purchase of real estate of any kind, erection or improvement of buildings, purchase of furniture, apparatus, libraries, or other personal property, payment of teachers, servants, or other employees, and the endowment of said institution. They shall have power to sue and to be sued.

§ 4. That each person subscribing the sum of one thousand dollars, and paying the same to the Treasurer of the Board of Trustees, shall become a stockholder in said company; that subscriptions of less sums than one thousand dollars shall be donations.

Stockholders.

Stockholders
to be Trustees.

§ 5. The Board of Trustees hereby appointed shall hold their offices until there shall be as many stockholders, and until said stockholders shall signify to said board their desire to become Trustees, whereupon said stockholders shall become the Board of Trustees of said college in the room and stead of the board hereby appointed. Each stockholder shall be entitled upon application to become a Trustee; and if there be not a sufficient number of stockholders, or a sufficient number shall not apply at one time, then that one or those applying shall supercede the members of the board hereby appointed; and the board thus constituted shall possess the powers herein provided for.

§ 6. The Board of Trustees may, for the purposes of education, purchase property of all kinds, real, personal, or mixed, erect, improve, or extend buildings, employ teachers, and in fine may in their discretion do and perform all acts and things for the establishment and conduct of a college at Columbia, or in Adair county.

Vacancies.

§ 7. Should there be for any reason whatever a vacancy in the Board of Trustees, the County Court of Adair county may, upon the recommendation of the United Baptist Church of Columbia, or of the one the most adjacent to the college, appoint another or other Trustees, or a whole Board if necessary.

§ 8. The Legislature hereby reserves the right to alter, amend, or repeal this charter.

Approved March 3, 1856.

1856.

CHAPTER 291.

AN ACT authorizing the County Court of McLean to establish a Ferry, or purchase the present ferry over Green River at Calhoon and Rumsey.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the County Court of the county of McLean, a majority of all the Justices of the Peace of said county being present and concurring therein, be and they are hereby authorized and empowered to establish an additional ferry over Green river, at or within one quarter of a mile of the present ferry at Calhoon and Rumsey ; and for that purpose are authorized to contract for and procure title to a sufficient quantity of land on both sides of the river, not exceeding one half acre on each side, the title whereof shall be made to the County Court Judge and his successor in office, for the use and benefit of the county of McLean ; and when said ferry shall be established and furnished with suitable boat or boats, it shall be the duty of the County Court to lease or rent out said ferry for a term of years, or from year to year as they may deem most expedient ; and the profits arising therefrom shall be paid to said county, and be applied to the lessening the county levies of said county. That said ferry shall be rated and governed by law in all respects as other public ferries across Green river: *Provided, however,* that all the citizens of the county of McLean shall be ferried free of charge.

§ 2. That the County Court aforesaid may, if they shall deem it most expedient, at their own discretion have power to purchase out the ferry privileges and land on both sides of the river, now established by law from Rumsey to Calhoon and from Calhoon to Rumsey, the title whereof shall be made to the County Judge and his successors, for the use and benefit of the county, as provided in the first section of this act, and to lease or rent the same in the same manner, and the profits arising therefrom to be applied to the lessening the county levies, and providing also that the citizens of the county shall be ferried free of charge.

§ 3. That for the purpose of executing and carrying into effect the powers herein granted, the County Court of the county of McLean, a majority of all the Justices in commission being present and concurring, shall have power to levy an additional tax and levy at their next Court of Claims, or sooner if they deem it expedient, of not exceeding ten cents on the one hundred dollars worth of taxable property in said county, or not exceeding fifty cents per head for each titheable in said county, or both if they shall deem it expedient, to be paid, collected, and accounted for as other county taxes.

Approved March 3, 1856.

CHAPTER 292.

AN ACT to incorporate Logan Lodge, No. 73, of the I. O. O. F., at Russellville, Ky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That S. H. Moseley, O. C. Rhea, H. Wilson, Daniel Merton, and J. H. Lacey, and their associates and successors, be and they are hereby created a body corporate, by the name and style of Logan Lodge, No. 73, of the Independent Order of Odd Fellows, at Russellville, Ky., and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, of suing and being sued, of pleading and being impleaded, of contracting and being contracted with, of answering and being answered in all courts of law and equity in this commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their own government and those now in force in said Lodge to alter and amend at their pleasure, and may change and renew the same at pleasure: *Provided*, they do not conflict with the constitution, by-laws, rules, and regulations of the Grand Lodge of the United States, nor with the constitution, by-laws, and regulations of the Grand Lodge of the State of Kentucky, nor with the constitution and laws of the United States nor the State of Kentucky. The said corporation shall have power and authority to acquire and hold real and personal estate, not exceeding ten thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same or any part thereof, and to re-invest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly. This act shall take effect from its passage.

Approved March 3, 1856.

1856.

CHAPTER 293.

AN ACT to incorporate the Cooke Coal and Iron Mining and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That N. L. Cooke, Jacob Anthony, A. P. Parker, and H. R. Warfield, and their associates and successors and assignees, be and they are hereby credited a body corporate and politic, by the name and style of the Cooke Coal and Iron Mining and Manufacturing Company, and by that name and style they shall be and are hereby made able and capable in law of contracting and being con-

Corporate
name.

1856.

Corporate
privileges.Objects and
purposes of the
corporation.

Organization.

Subordinate
officers.

Elections.

Locality of
lands.

Books opened

May borrow
money.

tracted with, to have, enjoy, and retain, to themselves and their successors, such lands, rents, and tenements, goods, and chattels as may be necessary for the working of coal mines, for the manufacturing of iron and salt, and for the building of steam and flat boats, and for the erection and working of mills and furnaces, and all other necessary improvements which may be made for the successful operation of said company. The said company may sue and be sued, plead and be impleaded, defend and be defended in all courts of record and other places; may have a common seal; may make, ordain, and put in execution all such by-laws, ordinances, and regulations as shall seem necessary for the government of said corporation, not contrary to the laws of this Commonwealth.

§ 2. The business of said company shall be the mining of coal and iron, the manufacturing of iron and salt, and shipments of the same, and sale thereof.

§ 3. That the said N. L. Cooke, Jacob Anthony, A. P. Parker, and H. R. Warfield, and their associates, shall have power to organize said company and elect a President and such other officers as they may deem proper, at such time and place as they may designate—the officers to serve one year from the time the company is organized; the President and Directors to be elected annually, by the stockholders in person or by proxy.

§ 4. The President and Directors shall have power to appoint all agents, officers, and servants under them, and may remove them at pleasure.

§ 5. In all elections each share of stock shall entitle the holder to one vote, and stockholders may vote in person or by proxy.

§ 6. The lands of said company, shall be on Green river, in the county of Henderson, not less than two nor more than six thousand acres. The capital stock shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each.

§ 7. Books for the subscription of stock may be opened at any time and place, and closed at any time, by the President and Directors: *Provided*, that the stock at no time shall exceed the maximum amounts herein named.

§ 8. It shall be lawful for the President and Directors of said company, at any time, to borrow or obtain money in such sums as may be deemed expedient by them, and to pledge or mortgage all or any parts of the estates and improvements, privileges, and effects, and assets of the estates whatsoever of said company for the payment of such loans, or of any indebtedness of said company.

§ 9. The Legislature reserves the right to amend, alter, or repeal this act whenever they may deem it expedient to do so.

§ 10. That said corporation shall be subject to all of

the provisions of the act to authorize the formation of corporations for manufacturing, mining, transporting, mechanical, and chemical purposes, approved March 10, 1854, which apply to such corporations after their organization.

1856.

§ 11. This act shall take effect from its passage.

Approved March 3, 1856.

CHAPTER 294.

An ACT to amend an act to incorporate the Greenville Female College, approved February 11, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. H. Reno, E. W. Martin, F. B. Hancock, G. W. Short, A. Dennis, James Rothcock, H. H. Martin, J. Short, E. Rumsey, E. R. Weir, and all others who are or may hereafter become stockholders in said company, and their successors, are hereby created and constituted a body politic and corporate, under the name and style of the Greenville Female College, and by that name may contract and be contracted with, sue and be sued, and plead and be impleaded in all courts in this Commonwealth.

Corporate
name.

§ 2. That the capital stock of said company shall be twenty thousand dollars, with power to increase the same to forty thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock.

§ 3. That said corporators may acquire title to any real estate, not exceeding fifty acres, with the buildings and improvements that they may deem necessary.

Real estate

§ 4. It appearing that twelve thousand dollars has already been subscribed as stock in said company, that amount of stock and all sums that may be subscribed as stock in said company at the time of the passage of this act, shall be valid stock in said company, and such stockholders shall have power to organize said company immediately, and to have books opened and procure stock to the full amount allowed by this charter.

Organization.

§ 5. Said company, as soon after the organization as they may determine, shall proceed to the election of not more than nine nor less than five Trustees, the corporators being notified of the time and place of the election, and may by a by-law of said company be allowed to vote by proxy; and the duties of said Trustees shall be the general management of said college, and shall be further prescribed by the company, and said company shall have power to pass any laws for the government of said institution that they may deem necessary, not inconsistent with the laws and constitution of this State.

Election.

§ 6. The said company shall have full power to put the

1856.

Privileges of corporation.Faculty.

school in complete operation; to place the same, if they may see proper, under the control of the Presbyterian, Cumberland Presbyterian, Methodist, or Baptist Church, and to give to any synod, presbytery, conference, or association power to appoint the President of the college.

§ 7. No debt shall be contracted on behalf of said company without the consent of all the corporators; if any be so contracted, the Trustees and Principal to be liable; each stockholder shall be individually liable for the debts of said college to the amount of stock which he or she owns in said company.

§ 8. The Faculty of said college, consisting of the President and teachers, shall have the power to grant diplomas, stamped with the college seal.

§ 9. The said company shall have full power to acquire title, by deed or otherwise, to the college property, now owned by W. L. Green, the proprietor of the Greenville Female College.

§ 10. The Legislature to have full power at any time to alter, amend, or repeal this charter. This act to take effect from and after its passage.

Approved March 3, 1856.

CHAPTER 295.

AN ACT to incorporate the Bourbon Female Institute, at North Middletown.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jonathan Owen, George W. Owen, John Stone, Harvey Rice, Joseph Scott, John W. Scott, and Preston J. Seamonds, Trustees, and their successors in office, together with William B. Magruder, the President of said college *ex officio*, shall be and they are hereby constituted a body politic and corporate, by the name and style of the "Bourbon Female Institute."

§ 2. That the said President and Trustees, and their successors, shall have perpetual existence, by the name and style aforesaid; shall have the power to use a corporate seal, and change and alter the same at pleasure; shall have power to receive and hold, for the benefit of said institute, any lands, tenements, hereditaments, moneys, goods, chattels, or choses in action, by gift, donation, devise, contract, or purchase; to make any contracts or agreements, to sue and be sued, to plead and be impleaded in any court of law or equity in this State, and to do and perform all other acts which similar corporations may of right do: *Provided*; They be not contrary to the constitution and laws of this State, or of the United States.

§ 3. That the President and Trustees incorporated by

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this act shall, at their first meeting after its passage, choose from their own body annually a Treasurer and Secretary; and said W. B. Magruder, as President as aforesaid, shall be *ex officio* Chairman of said Board; he shall also fill all vacancies occurring in said Board, call the Board together at such times as he may think proper, and at all meetings of said Board, three Trustees, together with the President, shall constitute a quorum to do business.

§ 4. That the President and Professors of said institute may make such rules and regulations for its government as they may deem expedient; they may prescribe such course of study as they may deem best, and confer on those pupils whom they shall deem worthy all such literary honors and degrees as are usually conferred by our best colleges.

Approved March 3, 1856.

CHAPTER 296.

AN ACT for the benefit of Littleton Helm.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be and he is hereby directed to issue his warrant on the Treasurer in favor of Littleton Helm for the sum of forty dollars, (\$40) said Helm having paid that amount to the Treasurer on the 13th day of January, 1830, for land west of the Tennessee river, which land, by due course of law, has been proven to be within the bounds of Richard Harrison's survey.

Approved March 3, 1856.

CHAPTER 298.

AN ACT for the benefit of P. W. Napier, late Sheriff of Casey county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Patrick W. Napier, late Sheriff of Casey county, be and he is hereby released from the payment of the twenty per cent. damages adjudged against him by the Franklin Circuit Court, in favor of the Commonwealth of Kentucky, for failing to pay into the Treasury the amount of revenue due from said county of Casey for the year 1855. And this act shall take effect from its passage.

Approved March 3, 1856.

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CHAPTER 300.

AN ACT to incorporate the Commercial Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names, and corporate powers.

§ 1. That Thomas J. Martin, Thomas Quigley, E. A. Gardner, Jacob Keller, Edwin Morris, H. D. Newcomb, and Thomas H. Hunt, of the city of Louisville, commissioners, and the subscribers of stock in this company, and their successors, shall be and are hereby declared to be a body politic and corporate, by the name and style of the Commercial Insurance Company, and by that name shall have perpetual succession, and shall be capable in law to hold, purchase, or receive, possess, enjoy, and retain, to them and their successors, lands, tenements, and hereditaments, goods, chattels, choses in action, public or private securities of any kind, quality, or nature whatsoever, and to sell and dispose of the same at any time or in any manner, and to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of law and equity, to make and use a common seal, and the same to break, alter, or renew at pleasure: *Provided*, said company shall not engage in trading in goods, wares, and merchandise as merchants.

Capital stock.

§ 2. That the capital stock of said company shall be one hundred thousand dollars, which may be increased at the will of the stockholders to any amount not exceeding three hundred thousand dollars, divided into shares of fifty dollars each. At the time of subscribing, there shall be paid on each share five dollars; immediately after the election of Directors, and before the company goes into operation, there shall be paid the further sum of five dollars per share, and the balance on each share shall be subject to the call of the Directors, and shall be secured by personal security, by the hypothecation of stocks other than that of the company, or by the hypothecation and mortgage of any other property or in any other way which shall be satisfactory to and approved by the President and Directors for the time being; the said securities shall be renewed whenever the President and Directors may consider it proper; and any stockholder neglecting or refusing to renew his security, or neglecting or refusing to pay an installment, when required by the directory, shall forfeit all his interest in the company, and be held liable for his proportion of any loss which may have occurred previous to such neglect or refusal.

Forfeiture may be remitted

§ 3. That should any forfeiture occur, it may be remitted by a majority of the whole Board of Directors present at the meeting, at which the motion for such remission shall be made, upon the payment by the person incurring the forfeiture of the principal of said installment,

and interest thereon up to the time of such payment, as also of his proportion of such loss as may have occurred previous to such forfeiture.

§ 4. That as soon as two thousand shares are subscribed for and paid, or secured to be paid, the company shall organize and be competent to transact all kind of business for which it was established.

§ 5. That the said commissioners or any one or more of them shall, within twelve months from the passage of this act, open books for the subscription of stock. Five days notice of the time and place of opening the books shall be given in one or more of the daily newspapers of the city of Louisville. If the two thousand shares shall not be subscribed for at the first opening of the books, the commissioners shall have power to re-open them whenever they think fit or equitable, and as often as may be necessary, until the two thousand shares be subscribed. When two thousand shares shall have been subscribed, the commissioners shall give the like notice of the time and place of the meeting to be held by the stockholders for the election of the Directors, and the time fixed in said notice for the meeting shall be within sixty days after said number of shares shall have been subscribed. No individual or copartnership, firm or company, shall subscribe for or at any time own more than two hundred shares of the stock.

§ 6. That the affairs of this company shall be managed by a President and Board of six Directors, to be elected by ballot, all of whom shall be stockholders. Any stockholder owning ten shares or more of stock shall be eligible as a President or Director.

§ 7. That no Director of any other insurance company shall be a Director of this; and should any Director of this company be elected a Director of any other insurance company, his acceptance of that appointment shall disqualify him from continuing a Director of this company, and the company shall proceed to fill up the vacancy as hereinafter provided.

§ 8. That the stockholders of this company shall hold a meeting in pursuance of the notice given by the commissioners for the first election of Directors, within sixty days after the two thousand shares of stock shall have been subscribed, and on the first Monday in January in each and every year thereafter, and choose by ballot from among their numbers the six Directors; each stockholder shall have one vote for each share of stock not exceeding five shares, and one vote for every five shares over five and not exceeding fifty, and one vote for every ten shares over fifty, and not exceeding one hundred; but no person shall in any instance have more than twenty votes. The

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When company may organize.

When books may be opened.

Who to manage affairs of company.

Who eligible as Director.

When elections to be held.

How stock to be voted.

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President to
be elected and
term of office.Vacancies how
filled.Powers of cor-
poration.To declare
dividends.

Directors first chosen shall serve until the first Monday of the succeeding January, and until others shall be chosen, and no longer. At their first meeting after every election they shall choose by ballot a President, either from among their own body or from among the other stockholders. The President first chosen shall serve until the first Monday in the succeeding January, and until another shall be chosen, and no longer; and the subsequent terms of the office of President shall be the same with those of the Directors. In case of a Director being chosen President, the place of such Directors shall be filled by the Directors from among the other stockholders. In case of the death, resignation, or disqualification of the President or of any Director, the Directors shall fill the vacancy by ballot.

§ 9. That the corporation herein and hereby created shall have full power and lawful authority to insure all kinds of property, against loss or damage by fire, and to make all kinds of insurance on vessels, all kinds of craft and boats of every description which navigate fresh or salt water, as well as on goods, wares, merchandize, produce, and every description of property transported by land or water, from any port or place in the United States to any port or place within the same, and from any port or place in the United States to any foreign port or place, or from any foreign port or place to any port or place in the United States, and from any one foreign port to any other foreign port, to effect re-insurance, and generally to do and perform all things relative to the objects of this institution which now is or shall be lawful for any individual or body politic or corporate to do, and all other things necessary and proper to promote these objects. And it shall be lawful for said company to invest any part of their capital stock, moneys, funds, or other property in any public stock or funded debt created or to be created by or under any law or laws of the United States or of this or any other State, or in the stock of any chartered bank in this or any other State or of the United States, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof in such stock or funds, whenever and so often as the exigencies of said corporation or a due regard to the safety of its funds shall require, or they may loan the same or any part thereof to individuals or public corporations on real or personal security for such periods of time and under such restrictions and limitations as the directors for the time being shall deem prudent and best for the interest of said company.

§ 10. That the President and Directors shall have power and it is hereby made their duty to make and declare such dividends of the profits, resulting from the business of said company, as shall not impair nor in any wise lessen the capital stock of the same, and cause the same to

be paid to the several stockholders thereof: *Provided*, that no such dividend shall be paid but shall be passed to the credit of such stock, as part payment thereof, until one-half of the capital stock shall be paid in, after which the profits arising from the business may at the option of the Directors be divided among the stockholders in proportion to the amount of stock held by them.

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§ 11. That the President and Directors shall have power and authority to appoint a Secretary, and such other clerks and officers under them as shall be necessary for transacting the business of said institution, and may allow them such salary, as they shall judge reasonable; and to ordain and establish such by-laws as shall appear to them necessary for regulating and conducting the business of the company, not contrary to this act, the constitution and laws of this State or of the United States. They shall keep full, fair, and correct entries of their transactions, which shall be at all times open to the inspection of the stockholders.

§ 12. That no stockholder or member of the said company shall be answerable in his personal or individual property for any contract or agreement of said company, or for any losses, deficiencies, or failure of the capital stock of this company, but the whole of the said capital stock, together with all property, rights, and credits belonging thereto, and nothing more, shall at any time be answerable for the demands against the said company.

§ 13. That transfers of stock may be made by any stockholder or the legal representative of any stockholder. The transfers of stock shall be made on a book kept for that purpose, and can only be done by a stockholder in person or by power of attorney; but no stockholder indebted to the company shall be permitted to make a transfer or receive a dividend, until such debt is paid or secured to the satisfaction of the President and Board of Directors.

§ 14. That the President and Directors may call a general meeting of the stockholders for any purpose relative to the affairs of the institution, giving them notice thereof. Any number of stockholders, representing a majority of the stock, may at any time apply to the President and Directors to call a general meeting of the stockholders, for any purpose relative to the affairs of the company; and if the President and Directors refuse to call such meeting, the said stockholders owning a majority of the stock, shall have power to call a general meeting of the stockholders giving at least two weeks notice in two of the daily newspapers of the city of Louisville, specifying in such notice the object of the meeting.

§ 15. That should it so happen from any cause whatever, that the annual election of Directors shall not take

To appoint
Secretary and
other officers.

To keep re-
cord of transac-
tions.

Stockholders
not responsible
for debts of in-
stitution, in his
individual prop-
erty.

Stock may be
transferred, and
how.

General meet-
ings of stock-
holders may be
called.

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Corporation
not dissolved if
election not held
on day named.

President to
sign policies.

place in any year on the day hereinbefore mentioned, this corporation shall not for that reason be dissolved, but such election may be lawfully held on such convenient day thereafter, as may be fixed on by the President and Directors for that purpose—they giving ten days notice thereof in two of the daily newspapers of the city of Louisville.

§ 16. That all policies or contracts of insurance which may be made or entered into by the said corporation, shall be signed by the President or President *pro tem.*, and signed and attested by the Secretary, and being so signed and attested shall be binding and obligatory upon the said corporation, without the seal thereof, according to the tenor, intent, and meaning of such policies or contracts.

§ 17. The General Assembly reserves the right to repeal, alter, or amend this charter at pleasure.

§ 18. This act shall take effect from and after its passage.

Approved March 3, 1856.

CHAPTER 301.

AN ACT for the benefit of C. Osburn and others, to enable them to protect themselves against milk sickness.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Objects and
purposes.

Boundary.

Members of
the corporation.

§ 1. That the district hereinafter defined shall be and the same is hereby formed into a municipal corporation, for the prevention of the effects of "Milk Sickness," with such powers only as are expressed in this act.

§ 2. That the extent, limits, and boundary of said district are as follows: Beginning at Caswell Osburn's, in Pulaski county; thence to Richard Vandiver's; thence to Charles Denham's; thence to John Jasper's; thence to Reader Tarter's; thence to Jonathan Gadberry's; thence to Andrew Gadberry's; thence to Crawford Thomas's; thence to John Saddler's; thence to the Chesney farm; thence to Turkey Creek Andrew Jasper's; and thence to the beginning, including the Green River Knob, on the Pulaski and Casey county line.

§ 3. That the persons now residing within said boundary, and any others who may hereafter reside within the same, including the places named in the boundary lines, shall be members of said corporation, and a majority of such members, being legally qualified to vote for members of the General Assembly of the Commonwealth of Kentucky, shall have power to act and determine upon any matter placed within the jurisdiction of the corporation by this act.

§ 4. The power of this corporation is hereby expressly limited to the prevention of live stock from ranging or running upon the district, within the aforesaid boundary, affected by the cause or causes producing the disease called "Milk Sickness."

§ 5. The means to effect the object and power hereby granted is expressly limited to an inclosure of the said infected district by a rail fence, with such gates as the corporation may establish for the convenience of passing through the same; but no member of said corporation shall be compelled to contribute to the erection or keeping up said inclosure by any other means than by voluntary contributions; which contributions may be made in labor, timber, or money: *Provided*, Said inclosure shall not cross or interfere with any public road established by law.

§ 6. That this corporation shall have the power to pass such by-laws and ordinances as may be deemed necessary to effectuate the object of their incorporation, hereby limiting the same to the infliction of penalties not exceeding fifty dollars for any one offense on each offender: *and provided*, Such by-laws and ordinances shall be consistent with the constitution and laws of the United States and State of Kentucky.

§ 7. The mode of enforcing the by-laws and ordinances aforesaid shall be by warrant before a Justice of the Peace, in the county where the offense may be committed, by execution of *fieri facias* or *capias profine*, as is now allowed by law for the collection and enforcement of fines of like amount for violation of the State penal laws; and the fines collected under this act shall be accounted for by Constables and other officers collecting the same, under the same rules, restrictions, and penalties as fines for breaches of the peace and riots are now required by law to be accounted for, and applied in the same manner.

§ 8. The by-laws and ordinances aforesaid, when passed, shall be signed by a majority of the members legally qualified as aforesaid, and those first passed shall be filed away in the Justice's office next nearest the place where the same were passed, and preserved as a part of the papers of his office; and all by-laws passed afterwards shall be filed in the same office; and three fair copies of each and every one of said by-laws and ordinances shall be made and posted up at three public places in said district, three weeks at least before the same shall be in force.

§ 9. Nothing in this act shall be construed to authorize the building of a fence on the lands of any person against the consent of the owner thereof, or to prevent the owner or owners of the land in the infected district aforesaid

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Corporate powers.

Corporate privileges.

May enact by-laws, &c.

Fines.

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from keeping their own stock on their own land, as they now have a right to do.

§ 10. All proceedings to enforce the penalties under the by-laws of said corporation shall be in the name of the Commonwealth of Kentucky, and the person upon whose application any warrant for a penalty is issued shall, on failure of the prosecution, be adjudged to pay the costs thereof.

Approved March 3, 1856.

CHAPTER 303.

AN ACT for the benefit of the Foster Turnpike Road Company.

WHEREAS, the Foster Turnpike Company, in Bracken county, has been organized under the 103d chapter of the Revised Statutes, authorizing the formation of stock companies for the constructing of Turnpike and Plank roads, and have put a portion of said road under contract, and partly completed the same: and by the calls of said company, the subscriptions have all become due and payable, and a majority of the members of said company have not paid more than the one-half of the calls so made; and whereas, by the 12th section of said act it is provided that none shall be allowed to vote but those who have paid all that may then be due on their subscription; thus rendering a majority of the stockholders and of the stock disqualified to vote for managers, as required by said section of said act: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for said company to meet at such time and place in the town of Foster, or some other convenient place on the line of said road, notice being given in person or left at the residence of a majority of the stockholders, and hold the election provided for in said 12th section; and every stockholder who has paid thirty per cent. upon the stock subscribed by him shall be entitled to vote at said election; but no person shall be eligible to the office of manager who has not paid at least one-half of his subscription; and the annual meeting of the stockholders shall be held at ten o'clock in the morning on the first Saturday of the month in which this election is held every year thereafter.

Approved March 4, 1856.

CHAPTER 304.

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AN ACT to amend an act, entitled, an act to incorporate the Perryville and Mitchellsburg Turnpike Road Company, approved March, 1854.

WHEREAS, it is represented to this present General Assembly that the Perryville and Mitchellsburg Turnpike Road is a fraction over four miles long, and that the company, at considerable expense, have erected a bridge on said road across the main fork of Chaplain, and covered the same with a good frame and roof: Wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the said Perryville and Mitchellsburg Turnpike Road Company be allowed to collect the same amount of toll as they would be if the road was five miles in length. And in regulating the toll of the neighborhood travel and transportation the bridge across Chaplain is to be regarded and estimated as equal to one mile of road.

Approved March 4, 1856.

CHAPTER 305.

AN ACT to amend and reduce into one the several acts concerning the town Ghent.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Ghent, in the county of Carroll, as laid off in the original plat of said town, and bounded as follows, viz: beginning at low water mark on the Ohio river, at the terminus of Ferry street, where the same intersects the said river; thence with the north-east line of said street to south-east corner of Ferry and Liberty streets; thence along the south line of Liberty street to south-west corner of Fishing street; thence along the west line of said Fishing street to the Ohio river, at low water mark; thence up the same at low water mark to the beginning, is hereby declared the town of Ghent; and inhabitants thereof, by and in the name of the Board of Trustees of the town of Ghent, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and do and perform all such other acts and things, either in law or equity, as bodies politic and corporate, having perpetual succession, may rightfully do and perform.

Boundary of town.

§ 2. That the prudential and fiscal affairs of said town of Ghent shall be vested in five Trustees, who shall be elected on the second Monday in May, 1856; and after the year 1856 the election for Trustees shall be held on the second Monday in March in each and every year, at the school house, or such place as the Board of Trustees may direct, by the free white male citizens of said town,

Who have control of town.

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over the age of twenty-one years, who shall have been *bona fide* residents in said town six days next preceding the election; *Provided*, that the first election to be held on the second Monday in May, 1856, shall be held by the Police Judge hereinafter provided for, or by some Justice of the Peace, together with the Clerk of the Court of Carroll or his deputy; and all other elections after the year 1856 shall be held by such persons as shall be selected by the Board of Trustees of said town.

*Term of office.**To take oath.**To elect chair-
man.**Powers of the
Trustees.*

§ 3. That said Trustees, when elected and qualified, shall hold their offices for one year, and until their successors are duly qualified, except those elected in 1856, and they shall hold their offices only until their successors are duly elected and qualified. Said Trustees, before they enter on the discharge of the duties of their office, shall take an oath before the Police Judge or some Justice of the Peace, that they will to the best of their ability, without partiality, affection, or prejudice to any person, faithfully perform the duties of Trustees of said town during their continuance in office.

§ 4. That the Trustees, after being duly qualified, shall proceed to elect one of their number Chairman, who shall preside at their meetings and shall have power to convene the board when in his opinion the interest of the town demands it; he shall convene the board whenever any two of the Trustees shall call on him so to do. It shall be the duty of the Chairman to see that all the by-laws and ordinances of said town are put in force.

§ 5. That the Trustees shall have power over all the streets, wharves, alleys, and side-walks of said town; they shall have power to open or cause to be opened all streets or alleys which have been closed up with or without the consent of former Boards of Trustees; they shall direct the grading and paving or macadamizing and bridging of such streets or parts of streets and alleys, and the grading, paving, and curbing of such side-walks or other improvements of the same as they may deem most beneficial to said town. The grading, paving, and improving the streets and alleys shall be done at the common charge of the town; the grading, paving, and curbing of the side-walks shall be done at the expense of the person or persons owning the property in front of which the grading, paving, and curbing may be done; the Trustees shall have a lien on the proper along the front of which said side-walks may be constructed to the amount of the cost of said work, or on so much of said lot or lots or parts of lots as shall be sufficient to pay and discharge the cost of such work; and in the event of any person or persons failing or refusing to pay the debt thus created, the said Board of Trustees may cause the same to be advertised in some newspaper in said town or county for

the space of one month, or by causing the Marshal of said town to give one month's notice, by posting at least four written notices of the day of the sale—one notice at each of the most public places in said town; and if said owner of said lot, lots, or parts of lots fail to pay the amount due, with six per cent. thereon, then the Marshal shall sell so much of said lots as shall be necessary to pay and discharge said debt or debts and the cost of sale; and the board shall convey the lot or lots or parts of lots thus sold to the purchaser by deed, which deed shall pass the title to the purchaser: *Provided*, that residents shall be allowed to redeem said lots so sold within one year, by discharging the debt with ten per cent. on the amount; and non-residents shall be allowed two years to redeem lots so sold, by paying the debt, with twenty per cent. on the amount: *provided further*, that all sales of lots for grading, paving, and curbing shall be sold on the pavement in front of the property to be sold.

§ 6. That said Trustees shall have power to levy and collect an *ad valorem* tax on the real and personal estate in said town, not exceeding thirty cents on each one hundred dollars worth of property in any one year, and a poll tax on each white male person over the age of twenty-one years, and on each free negro over the age of sixteen years, not exceeding one dollar and fifty cents, and on each slave over sixteen years of age not exceeding one dollar: *Provided*, that all slaves hired in said town shall be subject to the same tax as though they were owned in said town.

§ 7. That said Trustees shall have power to tax auction sales, shows, and exhibitions for money or profit such sums as they by their by-laws may declare; they shall have power to tax all tavern keepers who sell spirituous liquors at retail any sum not less than ten nor more than thirty dollars; they shall have power to tax drays, carts, and wagons used for hauling for hire in said town such sums as they may deem equitable and right; they may tax itinerant merchants; they shall have full power to suppress all tippling-houses, and to fine all persons who may violate their by-laws or ordinances, in any sum not exceeding thirty dollars; they shall have power to declare what are nuisances, and remove the same; they shall have power to remove all disorderly, itinerant free persons of color from the limits of the town; they shall provide for the good order of the town; they may provide for the security of the town against fire; they shall have power to impose a fine of one dollar on any member of the board who fails to attend a meeting of the board; they shall fill all vacancies which may occur in their body, or in the offices which may occur in them after being appointed by them; they may also fine or remove any officer appointed by them, for failing or refusing

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to perform any of the duties required of him under the by-laws; they shall have the power to pass all by-laws and ordinances necessary for carrying into effect all the powers herein granted, and for executing all the provisions of this act.

To appoint officers.

§ 8. That it shall be the duty of the Trustees, at the first meeting of the board in every year, to appoint an Assessor, Clerk, Treasurer, and such other officers as they may deem necessary; and said Trustees shall take from such officers, respectively, bond with approved security, in such penalty as such Trustees may deem sufficient, payable to the Board of Trustees of the town of Ghent and their successors in office, conditioned for the faithful discharge of the duties of their offices, and the paying over all moneys which may come to their hands to the proper persons entitled to the same; and for a violation on the part of either of such officers, suits may be brought and motions made against them and their securities before the Police Judge of the town of Ghent, or before any tribunal having jurisdiction in such cases, in the same manner and the same regulations that suits are brought and motions made against Constables and Sheriffs for failure of duty.

Duty of Assessor.

§ 9. That the Assessor shall make a correct return of all the real and personal estate, free white males over the age of twenty-one years, free negroes over the age of sixteen years, and slaves over the age of sixteen years, and of such articles and things to be taxed in said town, to the Clerk of the Board of Trustees within one month after the appointment of said Assessor.

Duty of clerk.

§ 10. The Clerk shall keep a record of the proceedings of the Board of Trustees and by-laws and ordinances in a well bound book, and shall publish all by-laws and ordinances of the Board of Trustees, within one week after the same are made, in some newspaper in said town, or by posting up in four of the most public places copies of said by-laws and ordinances; he shall, within twenty days after receiving the returns of the Assessor, place a copy of the same in the hands of the Marshal or Collector of the tax; he shall perform such other duties as may be required of him by the Board of Trustees appertaining to his office.

Duty of Marshal.

§ 11. That it shall be the duty of the Marshal or Collector to collect all taxes and fines placed in his hands, and pay the same over as collected, to the Treasurer, at the end of each month, or sooner if required; it shall be the duty of the Marshal to collect all taxes and other demands placed in his hands; he shall account for and pay over the same to the Treasurer of the Board of Trustees, or to such other person as may be entitled to receive the same. The Marshal shall, at the end of the year, and

oftener if required, make out a statement and submit the same on oath to the Board of Trustees, showing the amount collected, of whom collected, and for what collected ; and all amounts collected by the Marshal or his deputy collector, for or on account of the Trustees of said town, shall be paid to the Treasurer, and a receipt taken therefor, retaining such per cent. for collecting as the Board of Trustees may allow. The Marshal shall execute all process which may be requisite for the enforcement of the by-laws and ordinances of said town ; he may levy and distrain for taxes in the same manner as Sheriffs are now authorized to do ; he shall serve all process to him directed by the Police Judge of the said town and of any Justice of the Peace of Carroll county residing within the limits of said town, and make due return thereof ; said Marshal shall be invested with all the powers and authority given to Constables in all cases cognizable before the Police Judge or Justices of the Peace residing within the limits of the said town, and shall be allowed the same fees as are allowed to Constables, and may perform the same duties that Constables are permitted to perform ; he shall arrest all riotous persons, and take them before a Police Judge or some Justice of the Peace. The Board of Trustees of said town shall have power to regulate by by-laws the further duties of the Marshal and such other officers as they may find necessary to appoint.

§ 12. The qualified voters of the said town of Ghent shall, at their first election for Trustees under this charter, elect a Police Judge, who shall hold his office until the second Monday in March, 1857, and until his successor is elected and duly qualified ; and from that time he shall be elected for two years, at the same place and same time that the annual election for Trustees takes place for said town of Ghent, and shall hold his office until his successor is chosen and qualified. Before he enters on the discharge of the duties of his office, he shall take an oath before some Justice of the Peace, to discharge the duties of said office faithfully and impartially, without partiality, favor, or prejudice, together with such other oath as judicial officers are required to take. Said Police Judge shall have jurisdiction, within the limits of said town, of all civil causes, to the same extent that Justices of the Peace now have in this Commonwealth, and shall have the same jurisdiction of crimes and misdemeanors committed within the county of Carroll that Justices of the Peace now have, and in criminal and penal cases he shall have the same jurisdiction now given by law to any Justice of the Peace within said county, and shall have full jurisdiction within said town of Ghent of all offenses against the by-laws and ordinances of said town ; he shall have

Police Judge
to be elected.

His powers
and duties.

1856.

power to enter judgments and issue executions for all fines and penalties for such offenses, and his execution may be served by the Marshal of said town or his deputy in any part of said county of Carroll, or by other proper officers in any county of the Commonwealth; he shall have power to grant attachments and injunctions, writs of *ne exeat* and *habeas corpus*, to the same extent that Justices of the Peace now have or hereafter have; he shall keep a record of his proceedings, copies of which shall be evidence to the same extent that copies of the records of Justices of the Peace now are; he shall have power to issue original process in all cases before him, *subpœnas* for witnesses, and attachments to compel the attendance of witnesses before him, and to punish all contempts against his authority, by fines not exceeding ten dollars in each case, and by imprisonment not exceeding twelve hours; he shall have power to administer oaths and certify the same in all cases where an oath is provided for by law; he may take and certify depositions, which shall be allowed to be read as depositions are now allowed to be read, taken before, and certified by a Justice of the Peace; he shall be entitled to the following fees, viz: for granting an injunction, writ of *ne exeat* or *habeas corpus*, seventy-five cents; for a peace warrant, one dollar; for a warrant for violation of any by-law or ordinance of said town, fifty cents; for swearing a jury and presiding over a trial, seventy-five cents; for *subpœnas*, each, fifteen cents; for original judgment in civil cases, twenty-five cents; all other fees shall be the same as now allowed by law to Justices of the Peace for like acts; he shall have power to issue his fee bills, and they shall be collected in the same manner as Justices of the Peace may now collect their fees: he shall have jurisdiction of all motions and suits against all the officers herein permitted to be appointed by the Trustees: *Provided*, that appeals from all judgments rendered by said Police Judge in civil cases shall be allowed to any party, under the same rules and regulations and to the same tribunals as appeals are now allowed from judgments of Justices of the Peace: *and provided further*, that all process issued by said Police Judge shall run in the name of the Commonwealth: *Provided*, that the Police Judge shall exercise no judicial powers except for police purposes.

§ 13. That the said board of Trustees shall allow to the officers appointed by them such compensation as said Trustees may deem equitable and just; they shall cause to be published at the end of their term a full and fair exhibit of all the receipts and disbursements during the year; and no money shall be drawn from the Treasury except upon orders signed by the President or a majority of the Trustees.

Trustees to fix compensation of officers.

§ 14. That if any owner or any person having the legal control of any slave shall suffer or permit said slave to hire his or her own time, or go at large, or act for himself or herself in said town, the Police Judge or any Justice of the Peace shall, upon the application of the Trustees or any citizen of the town, issue his warrant against the owner or person having control of said slave, to show cause why judgment shall not be rendered against him or her for such offense—which warrant may be executed by the Marshal, his deputy, or by any Constable; and upon return of the same, and proof of the fact that said owner of said slave or person having legal control of said slave knowingly permitted said slave to hire his or her own time, or go at large, the said Police Judge or Justice of the Peace shall thereupon enter judgment for a fine of ten dollars for each offense, whereupon the Marshal, his deputy, or Constable, shall hire out said slave at public auction, to the person who will pay the sum of ten dollars and cost for the shortest time of service of said slave: and the said Marshal, his deputy, or Constable shall take bond with approved security for the hire, and also bond and approved security from the hirer, in such penalty as the Board of Trustees may establish, conditioned that such slave so hired shall not be removed out of the county of Carroll: *Provided*, that upon the owner or person having the legal control of said slave paying to the person hiring said slave the amount for which said slave was hired, the said hirer shall deliver up the possession of the said slave to the owner or the person having legal control of the said slave.

§ 15. That the Trustees now in office, and all officers appointed by them, shall continue in office and exercise the duties of the same until the election and qualification of the first Board of Trustees herein provided for; and upon the election and qualification of said Trustees as herein provided, all the books, papers, records, funds, and other property belonging to said town, shall be delivered up to the new Board of Trustees.

§ 16. That all the fines and forfeitures for misdemeanors and breaches of the peace within the limits of the said town of Ghent, shall be paid into the Treasury of the said town for the benefit of the same.

§ 17. That all acts and parts of acts concerning the town of Ghent, coming in conflict with this act, be and the same are hereby repealed. This act shall take effect from its passage.

1856.

Slave not permitted to hire time.

Term of office of Trustees.

Fines to be paid to Treasury of town.

Laws in conflict with this repealed.

1856.

CHAPTER 306.

AN ACT to incorporate the Deposit Bank of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Commissioners to receive subscriptions.

§ 1. That T. J. Helm, G. W. Trabue, A. Trigg, D. M. Ashby, J. W. Ritter, Jno. G. Rogers, T. H. M. Winn, and Joseph H. Lewis, are hereby appointed commissioners to obtain subscriptions to the stock of the corporation hereinafter created, who, or any four of whom, may meet at some convenient time and place in the town of Glasgow, (of which two weeks notice shall be given in the Glasgow Journal,) at which time they may open books and receive subscriptions to the stock of said institution, and shall keep them open two hours (at least) daily, for at least three successive days.

Capital stock.

§ 2. The capital stock of said institution shall be not less than fifty thousand dollars nor more than three hundred thousand dollars, divided into shares of one hundred dollars each; which shares shall be personal estate, and shall be transferable only on the books of the company, in such manner and subject to such regulations as the Board of Directors may prescribe.

Corporate powers.

§ 3. At the expiration of said three days, or as soon thereafter as the sum of fifty thousand dollars shall have been subscribed to the stock of said institution, the books of subscription may be closed and delivered to the subscribers, who shall thereupon constitute a body politic and corporate, by the name of the Deposit Bank of Glasgow; and they and their successors shall so continue for the term of thirty years from and after the first day of May, 1856; and, under the restrictions hereinafter prescribed, may contract and be contracted with, sue and be sued, plead and be impleaded, and exercise the other powers usually incident to corporations.

Directors to be elected.

§ 4. Upon the receipt of the books of subscription, the subscribers, or a majority (in value) of them, shall meet and select four persons, (who shall be stockholders and residents of Kentucky,) to serve as Directors of said institution until the first Saturday in May following, and until their successors shall be elected. The annual meetings of the stockholders of said bank shall thereafter be held on the first Saturday in May of each year; but meetings may be called at any time by any number of persons holding one-third (in value) of the stock upon giving similar notice to that prescribed in the first section hereof; and in all meetings of stockholders, each person shall be entitled to one vote for each share of stock held by him. The Directors shall hold their offices for one year and until their successors are elected, but may be removed by any regular or called meeting of the stockholders. They may choose one of their number, or of the other stockholders,

Term of office

as their President; may appoint a Secretary, and such other officers as they may require, fix their compensation, prescribe their duties and take bond and security for the faithful discharge thereof; may prescribe the manner and terms of paying in the stock, and shall have the general control of all the affairs of the Bank.

§ 5. The Directors shall annually appoint two or more stockholders to attend and hold the annual election.

§ 6. At each annual meeting of the stockholders, a committee shall be appointed, who shall, at least twice in the year, examine into and report upon the condition of the institution; which report shall be filed in its office, and remain subject to the inspection of all the stockholders.

§ 7. The business of said Bank shall be to receive money and bank notes on deposit (and it may allow the depositor such interest thereon as may be agreed upon;) to deal in gold and silver coin, bullion, bills of exchange, and promissory notes, (but it shall not buy or discount promissory notes at a rate of discount exceeding that allowed to the Northern Bank of Kentucky;) to buy and sell the stock of other companies, and the bonds of this State or of the United States; but it shall not issue notes or bills or certificates of deposite or any other instrument intended for circulation as money. All promissory notes purchased or discounted by said bank, payable at the same or at any other banking institution in this State, shall be put on the footing of foreign bills of exchange. The Directors shall annually or semi-annually declare dividends of the profits arising from the business of the bank. The President of this corporation shall cause to be paid into the Treasury of this State, on or before the first day of January in each year, twenty-five cents on each one hundred dollars of stock actually paid in, which shall be in full of all tax or bonus, to be applied towards the increase of the common school fund.

§ 8. The said bank shall receive on deposit any sum offered during banking hours, if not less than one dollar; and infants and *femes covert* may deposit therein and may control the deposit so made, unless restrained by some competent tribunal. Should any person make a deposit in said bank, and be refused payment thereof on demand made for the same according to the terms of deposit, and without lawful excuse, said bank shall forfeit and pay to the depositor the full value or amount of his deposit, with damages at the rate of fifteen per centum per annum for the detention, to be recovered by suit in the Barren Circuit Court.

§ 9. The said bank may purchase, hold, sell, and convey any real or personal estate that may be necessary to carry into effect the objects of its creation and no other;

1856.

President to be chosen.

Who to hold annual election.

Committee to be appointed to examine affairs of institution.

1856.

and it may receive conveyance of such property as may be necessary or proper to secure any debt due it, or which may be sold for the payment of any such debt.

§ 10. This charter and all privileges and rights therein granted, shall be forfeited by any violation of the provisions thereof by any of the officers of the institution, and the failure upon the part of the officers or refusal by them to pay any tax imposed upon the capital stock of the institution by this charter or by any general laws of this State shall also work the forfeiture of this charter. The Circuit Courts of Barren and Franklin counties shall each have jurisdiction to try and declare the forfeiture thereof, upon the petition of the Attorney for the Commonwealth at any time, or upon the petition of, or by *scire facias* sued out, by the Attorney General when directed to do so by the Governor or by the General Assembly, fully setting forth and stating the acts of forfeiture complained of.

§ 11. The General Assembly reserves the right to examine into the condition of affairs of the institution by any person or persons, or committee selected or appointed for that purpose, at any time and in such manner as the General Assembly shall think proper; and the officers of the institution are required to report to the Secretary of State on the first day of January and July of each year a full and correct statement of the business, condition, and affairs of the institution.

§ 12. This act to take effect from its passage.

Approved March 4, 1856.

CHAPTER 307.

AN ACT incorporating the Harrodsburg and Cornishville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name and purposes.

Capital stock.

§ 1. That a company is hereby created a body politic and corporate, under the name and style of the Harrodsburg and Cornishville Turnpike Road Company, for the purpose of constructing a turnpike road from Cornishville to Harrodsburg, or to intersect the turnpike road leading from Harrodsburg to Salvisa, at any point the commissioners may designate.

§ 2. That the capital stock of said company shall be twenty thousand dollars, to be divided into shares of fifty dollars each; the books for the subscription of stock shall be opened on the first day of May next, at Thomas Short's tavern house, in the town of Cornishville, and at John A. Petty's tavern house, in Harrodsburg, or such time and

place thereafter as the commissioners may designate, and continue open until the stock is taken.

§ 3. That the following persons, or such of them as will act, are hereby appointed commissioners to open the books for the subscription of stock; C. Chinn, James Taylor, Wm. Daviess, Frank Kerby, Sandford McBrayer, Joseph Debaun, B. V. Brewer, H. J. Burns, John Dean, and Samuel Tatom, that said commissioners shall open one or more books, and the subscribers therein shall sign an obligation in the following form, viz: We whose names are hereunto subscribed, do bind ourselves respectively to pay unto the Harrodsburg and Cornishville turnpike road company fifty dollars for each share of stock set opposite our respective names, in such proportions and at such times as shall be determined on by said corporation: *provided, however,* that said calls shall not be over the one fifth part of the stock subscribed, and sixty days to intervene.

§ 4. When five thousand dollars of said stock is subscribed, it shall be the duty of said commissioners, or such of them as will act, to give notice in writing of a meeting of the stockholders of said company, at the court house door in the town of Harrodsburg, Cornishville, and at least three other public places, for the purpose of organizing said company, by choosing officers, to consist of a President and five Directors, a Treasurer, and such other officers as they may deem necessary—notice to be given of said meeting at least ten days previous to said meeting. Each stockholder shall be entitled to one vote for each share of stock held by him.

§ 5. That the whole width of said road shall be forty feet, and the part covered with stone shall be sixteen feet, and that the elevation of the grade of said road shall be fixed and regulated by said company. There shall not be more than two toll gates on said road, and neither of them shall be located nearer than one mile of Harrodsburg and one half mile of Cornishville.

§ 6. That so soon as said company shall be organized, the President, Directors, and other officers shall possess all the powers, authority, rights, and privileges, and may do and perform all acts and things necessary for carrying on and completing said turnpike road, as well as laying out and locating the same, and shall be subject to all the duties, qualifications, restrictions, penalties, fines, and forfeitures, if any; said company to have full power to fix the tolls, and change and alter the same as they may think fit and proper.

§ 7. That it shall and may be lawful for the Judge of the Mercer County Court, a majority of the Justices of the Peace of said county concurring, to subscribe and take stock in said road, and to appropriate the dividends arising therefrom to lessening the levy of said county: *Provided,*

1856.

Commissioners.

Books opened

Officers.

Width of road

Corporate privileges.

1856.

the subscription of stock so made shall not exceed more than the sum of one thousand dollars per mile of said road.

Approved March 4, 1856.

CHAPTER 308.

AN ACT to incorporate the Bloomfield and Taylorsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate name and purpose.

§ 1. That a company shall be and hereby is incorporated as a body corporate and politic, by the name and style of the Bloomfield and Taylorsville Turnpike Company, for the purpose of constructing a turnpike road from Bloomfield, via Big Spring church, to intersect the Taylorsville and Chaplin turnpike at or near the residence of Charles B. May; and by that name may sue and be sued, plead and be impleaded in all courts of this Commonwealth, and have and use a common seal, and alter and amend the same at pleasure.

Capital stock.

§ 2. That the capital stock of said company shall not be more than fifteen thousand dollars, to be divided into shares of fifty dollars each.

Books opened

§ 3. That the books for the subscription of stock may be opened in the town of Bloomfield and such other place as may be deemed best, under the direction of M. Glascock, John Harriet, Samuel B. Merrifield, John Ash, Sr., John Ash, Jr., and Amos V. Skinner, all of whom are hereby appointed commissioners for the purpose of obtaining subscriptions of stock in said corporation; and the said commissioners or such of them as shall act, shall procure a suitable book or books, which shall contain the following, and shall be signed by every person who shall take stock in said company or corporation: "We whose names are hereto subscribed, do severally bind ourselves to pay respectively to the President, Directors, and company of the Bloomfield and Taylorsville Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner and proportions, and at such times as shall be required by the President and Directors of said company." And when the President and Directors shall have been elected as herein-after prescribed, they shall have full control of said books of said subscription, and may have the same opened from time under their directions, until a sufficient sum is subscribed to complete the work.

Obligation.

§ 4. That as soon as a majority of said commissioners, or a majority of those who shall act, shall be of opinion that a sufficient amount of stock is subscribed to justify a

Organization.

commencement of said road, they may call a meeting of the stockholders, and hold an election for President and five Directors, who shall hold their offices for one year and until other like officers shall have been elected: *Provided*, that should a vacancy occur, the remainder of the Directors shall fill the same by appointment; and should the offices of the Directory become vacant from any cause, any three of the stockholders may call a meeting of the stockholders, as above mentioned to fill such vacancies by an election. The Directors shall appoint a Treasurer and such other officers as they may deem necessary; and the said Treasurer before he enters upon the duties of his office, shall execute his bond to said company conditioned as usual in such cases.

1856.

Vacancies.

Treasurer.

Corporate powers.

§ 5. That upon the election and qualification of said Directors, they shall be a body politic and corporate, and shall have perpetual succession and all the privileges and franchises incident to like corporations, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, of purchasing and selling lands and tenements as the same may be deemed necessary by said Directory in the construction of said road.

Calls.

§ 6. That the President and Directors, after their election shall make a call upon the different stockholders for payment upon their several subscriptions which call may be made in such manner as they shall deem right and just: *Provided*, that the first call shall not be over twenty per cent. on the amount subscribed, and that for all subsequent calls a notice of forty days shall be given.

§ 7. That every stockholder shall be entitled to one vote on each share owned by him to the number of four, and for every three shares thereafter shall be entitled to one vote.

§ 8. That the stock of said company shall be transferable in the same way, and be governed in every respect as is provided in the charter of the Louisville and Taylorsville turnpike company.

§ 9. Whenever said company shall complete their road from Bloomfield to the junction with the Taylorsville road, they shall have power to erect a gate at which they may charge toll at the rate of tolls as are allowed and prescribed by an act, entitled, an act regulating the tolls on turnpike roads in which this Commonwealth is a joint stockholder, approved February 25, 1842, and all the general laws of this Commonwealth relating to turnpike roads, and not inconsistent with this act, may be considered as a part hereof.

Tolls.

§ 10. Said company shall open their road to a width of forty feet, twenty of which shall be graded, and fourteen feet of the graded portion McAdamized.

Width of road

1856.

Objects of the fund.

Commissioners

Powers.

Commissioners privileges, and corporate name.

Tax.

CHAPTER 309.

AN ACT to establish a Sinking Fund for the county of Clarke.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of providing for the punctual payment of the interest as it shall fall due, upon the bonds which have been issued by the county of Clarke to pay for stock subscribed by said county in the Lexington and Big Sandy Railroad Company, and for the final liquidation and redemption of said bonds, a sinking fund is hereby created and established, to be made up of the dividends accruing to said county on the stock owned by her in said company, and in the several turnpike roads located in or running through said county, and of the annual tax levied and to be levied in said county for that purpose; which fund shall be forever held sacred and set apart and devoted to the purposes pointed out in this act and to none other.

§ 2. That at its April term in each year, a majority of the Justices of the Peace of said county being present, or at the first regular term thereafter at which a majority of said Justices are present, said County Court shall appoint three fit persons, residents of said county, who shall be and are hereby constituted commissioners of said sinking fund, and all the sources of income provided by this act shall be under their management and control, and they shall be charged with the payment of the interest as the same shall accrue on the bonds of the county which have been issued for the purpose aforesaid, out of said sinking fund; and they shall from time to time invest the surplus money belonging to said sinking fund in safe and profitable stocks in order that said fund may be made profitable and available, and whenever they shall deem it advisable so to do, they may use any portion of the money on hand, constituting said fund, in the purchase and redemption of the bonds of said county, and the same when thus purchased and redeemed, and all coupons taken in and paid by said commissioners, shall be cancelled by burning in the presence of the Presiding Judge of said County Court and the Clerk of said court, a record of which shall be made by said Clerk.

§ 3. The said board of commissioners shall be a body politic and shall have perpetual succession; may sue and be sued, and may do all and singular every act which may be done by a body corporate, and shall be known and designated by the name and style of "the Commissioners of the Sinking Fund for Clarke county."

§ 4. In addition to the levy of a tax to pay the interest on said county bonds, as authorized by the act incorporating said railroad company, said County Court shall have power annually at the court of levy for said county, to

levy a further amount not exceeding ten thousand dollars in any one year, to be levied and collected in the same manner in which said County Court is authorized to levy and collect the tax imposed for the payment of interest on said bonds, and the amount thus levied and collected shall be and constitute a part of said sinking fund.

§ 5. The commissioners who may be appointed under this act, shall be sworn faithfully to discharge their duties as such commissioners, shall hold their offices from the date of their appointment until the April term of said court next succeeding their appointment, and until their successors shall be duly appointed and qualified, may be removed from office by said County Court, a majority of the Justices concurring therein; they shall keep a record of their proceedings, shall elect one of their number President of the board and another Secretary, and at each April term of said County Court, shall make a full report of their proceedings in writing, which upon being examined and confirmed by the court, shall be entered of record by the Clerk of said court, and upon the approval of said report by said court, a reasonable allowance shall be made to said commissioners for their services.

§ 6. The Treasurer of Clarke county for the time being shall be the Treasurer of said Board of Commissioners, and shall execute a bond with good and sufficient security conditioned for the faithful discharge of his duties as Treasurer of said board, and that he will account for and pay to the order of said Board of Commissioners, the whole or any part of the funds in his hands as Treasurer of the sinking fund, and upon such bond said county shall have the same remedy against said Treasurer and his securities as is now given by law against said County Treasurer.

§ 7. Any vacancy which may occur in said board from any cause whatever, shall be filled by the Presiding Judge of said County Court by appointment entered of record, subject to the approval of the court at the first term thereafter when a majority of the Justices of said county may be in attendance. This act shall take effect from and after its passage.

Approved March 4, 1856.

1856.

Commissioners to be sworn.

Treasurer.

Vacancies.

CHAPTER 310.

AN ACT for the benefit of John G. Shacklett.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be and he is hereby directed to draw his warrant on the Treasurer in favor of John G. Shack-

1856.

leett, Constable of Meade county, for the sum of ninety-five dollars and ten cents, for conveying Lewis P. Rush, a lunatic, to the asylum at Lexington; to be paid out of any money in the Treasury not otherwise appropriated. This act to take effect from its passage.

Approved March 4, 1856.

CHAPTER 311.

AN ACT for the benefit of Charles Stricker, Sheriff of Campbell county.

WHEREAS, Charles Stricker, Sheriff of Campbell county, having from press of business omitted to give bond for the collection of the revenue for the year 1856, at the February term as required by law: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the Sheriff of Campbell county be allowed to execute bond at the March term of the Campbell County Court therefor, to have the same force and effect as if it had been executed at the February term.

Approved March 4, 1856.

CHAPTER 312.

AN ACT to charter the Breckinridge Coal Oil Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporate
name and pur-
poses.

§ 1. That John Cairns, William Cairns, and John W. Moore, their associates, successors and assigns, be and the same are hereby constituted and created a body corporate and politic, by the name and style of the "Breckinridge Coal Oil Company," and by that name and style to have perpetual succession, for the purpose of manufacturing oils and other products from cannel or other coals, and for the manufacture of all articles into which these products may be in whole or in part incorporated; as also for the manufacture of the various chemical ingredients required for such manufactures, as well as to mine, purchase, or otherwise acquire coal or any other mineral required for such manufactures, and for transacting all the usual and necessary business of companies in mining, manufacturing, transporting to market, and selling, or otherwise disposing of said manufactures, chemical ingredients, and minerals, and to have a common seal, which they may alter at pleasure, and to have power to make by-laws for more efficiently regulating the details of the business of the company. And the said corporation, by the said name and style, is hereby de-

clared and made capable in law to sue and be sued, plead and be impleaded, and generally to do and execute, for the well being of said company, whatsoever shall lawfully pertain to such bodies politic.

1856.

Objects and purposes.

§ 2. That said company shall have power and right to manufacture all and every description of apparatus and machinery required for and in the production of their various manufactures, or in the mining, carrying to the place of manufacture or elsewhere; the various products of their manufacturing and mining branches of business.

Property.

§ 3. That said company shall have right to hold by purchase, or lease, any such lands, tenements, coal rights, ore rights, mining rights and appurtenances, rights of way, buildings, real, personal, and mixed property, as they may deem necessary for the well being and advantage of said company, and the same, or any part thereof to use, occupy, sell, lease, let, or otherwise dispose of as the Directors may from time to time see proper, and direct accordingly.

Organization.

§ 4. That the corporators named in this act, or any two of them, shall have power to organize said company by accepting this act of incorporation, upon meeting in the town of Cloverport, in Breckinridge county, State of Kentucky, within one month of the passing of this act, and electing one of themselves to be the President of the company, and who, with the other corporators present, shall form the Board of Directors for the first year, with power to fill up any vacancy that may occur in the Board of Directors and appoint the proper officers of the company.

Capital stock.

§ 5. That upon the said company being organized as provided in section 4, the Board of Directors shall have power to dispose of the capital stock of the company, which shall consist of four thousand shares of one hundred dollars each.

Meeting of the stockholders.

§ 6. That a general meeting of the stockholders of said company may be held within three months after the company is organized, and thereafter annually at such time and place as may be provided for by the by-laws of the company, at which annual meetings, it shall be the duty of the Board of Directors to make a report of the whole condition of the affairs of the company, and after said report has been made, and action taken thereupon by the meeting, the election of new Directors for the ensuing year may be proceeded with, to take the place of the retiring members, but which retiring members are re-eligible.

§ 7. That special meetings of the stockholders may be called at any time by the Board of Directors, either on their own motion or on the written request of stockhold-

Special meetings.

1856.

ers owning three-fifths of the stock of the company; and should the Board of Directors decline to call a meeting at the time and place specified in such requisition, it shall be competent for the said stockholders to call such meeting by giving ten days notice in one or more newspapers published in New York and Louisville of the object or objects of said meeting, and at which meeting the stockholders shall have power to require from the officers of the company statements and accounts relating to the business of said company, and may also suspend any President, Director or Directors, officer, or agent of the company, until another meeting is called in like manner for the purpose of investigating the conduct of such President, Director or Directors, officer or agent of the company so suspended, and if a majority of the whole stockholders of the company shall at this second meeting so decide, the party or parties aforesaid may be removed from office and others be appointed in his or their stead.

*Removal of
officers.*

Right of way.

*May borrow
money.*

§ 8. That in the event of a right of way being required by said company from their mines to their works, or additional accommodation for the extension of their manufactories, such right of way or additional accommodation shall be acquired by the same process as prescribed in the ninth section of the charter granted to the Breckinridge Cannel Coal Company, and approved the 9th day of February, 1854.

§ 9. That it shall be lawful for the President and Directors of the said company, from time to time, and at all times, to borrow, or to obtain on loan or loans, such sum or sums of money, and at such rates of interest, as they or a major part of them may deem expedient, for the use of said company, and by and with the consent of two-thirds of the whole stockholders, at a special meeting, called for the purpose, pledge and mortgage all or any part of the estate, improvements, privileges, effects, and assets, whatsoever of the company, for the re-payment of said sum or sums of money so borrowed at such time or times as may be agreed upon, to issue bonds with or without coupons, and sell the same at any rate of discount that shall be found desirable, and which may be convertible in whole or in part thereof into stock of the said company, and the capital stock shall be increased accordingly.

§ 10. That this act shall take effect from and immediately after its passage.

Approved March 4, 1856.

CHAPTER 313.

1856.

AN ACT to amend the charter of Danville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the officers conducting the election for Trustees of Danville, on the first Saturday in April next, and every two years thereafter, to cause a poll to be opened for the election of a Police Judge of said town, who shall possess all the powers and be subject to all the penalties prescribed by the original charter of said town.

Police Judge to be elected.

§ 2. That if a vacancy shall occur in the office of Police Judge of said town, by death, resignation, or removal, the Board of Trustees shall fill said vacancy; and the person selected by said Board shall hold his office until the expiration of the two years for which his predecessor was elected.

Vacancy—how filled.

§ 3. That so much of the charter of said town, or its amendments, as requires the election of a night watch to said town, be and the same is hereby repealed.

§ 4. That the Trustees of said town be and they are hereby authorized and empowered to erect a work-house in said town, in which persons may be confined at labor by order of the Police Judge thereof for failure to pay the fines owing said town; but persons so confined at labor shall be allowed at the rates of two dollars per day upon the payment thereof; and persons arrested as vagrants in said town and committed as such by the Police Judge thereof, may be confined therein to labor for such period as the Police Judge may determine, not exceeding thirty days.

May erect workhouse.

§ 5. This act to take effect from its passage.

Approved March 4, 1856.

CHAPTER 314.

AN ACT for the benefit of Jacob Rice, late Sheriff of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jacob Rice, late Sheriff of Carter county, is hereby authorized, at any time within two years from and after the passage of this act, to list with the Sheriff of Carter county any taxes or fee bills which may be unpaid and outstanding in his hands for the years 1851, 1852, 1853, and 1854, and which said Sheriff of Carter county is hereby authorized to collect as other taxes and fee bills are collected.

§ 2. This act to take effect from and after its passage.

Approved March 4, 1856.

1856.

CHAPTER 315.

AN ACT for the benefit of James M. Bumpass, of Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary line of the first Justices' District, in Caldwell county, be and the same is hereby so changed as to include the residence of Jas. M. Bumpass in said first district: *Provided, however,* that said Bumpass shall not exercise the right of suffrage in said first district in any election occurring within sixty days from the passage of this act.

§ 2. This act shall take effect from its passage.

Approved March 4, 1856.

CHAPTER 316.

AN ACT to incorporate Bellcolline Female College, Franklin county.

*WHEREAS, the Trustees of Franklin church, in Franklin county, have procured a lot of ground, built a parsonage, and are erecting a house for a female college: Therefore,**Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That Dange S. Crockett, Peter Jett, John W. Russell, A. Julian, F. Dillon, J. Russell Hawkins, Anthony Crockett, and Samuel D. McKee, and their successors, and the present Principal, Rev. J. S. Braddock, be and they are hereby constituted a body corporate, under the name and style of the Trustees of Bellcolline Female College, with perpetual succession, and may have a common seal, which they may alter, renew, or modify at pleasure, or may act without one, and may do and perform all other acts, which similar corporations may of right do.

§ 2. The Principal shall have power to appoint teachers for the instruction and proper discipline of the pupils, and to remove any when in his opinion the good of the college may require it, until otherwise directed by a majority of the Trustees.

§ 3. The Trustees shall have power to choose from their own body, a President, Treasurer, Secretary, and shall have power to fill all vacancies in their own body, or in said offices, and at all meetings, a majority shall constitute a quorum to do business.

§ 4. The Trustees together with the Principal, shall have power to grant and confer on all those pupils whom they may deem worthy, all such honors, and literary degrees as may of right be conferred by similar colleges in Kentucky.

§ 5. The right to alter or modify this act is reserved to

Corporate name.

Power of the principal.

Trustees.

Diplomas.

the Legislature; but in no event shall the property herein before named, or any that may hereafter be added to it, be divested from the said Franklin church, but shall revert to their use and benefit.

1856.

Approved March 4, 1856.

CHAPTER 317.

AN ACT to incorporate Chapter No. 51, of Royal Arch Free and Accepted Masons, in Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members and those who may hereafter become members of Chapter No. 51, of Free and Accepted Masons, in Napoleon, Gallatin county, be and are hereby created a body politic and corporate, by the name and style of Chapter No. 51, of Royal Arch Free and Accepted Masons, and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of sueing and being sued, pleading and being impleaded, of purchasing and holding such real and personal estate as may be required for the use of said Chapter; to receive all necessary conveyances, to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided*, that the amount invested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the Most Excellent High Priest, King, and Scribe, and their successors in office, as Trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to real or personal estate of said corporation.

§ 3. That the said Trustees shall have power to pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States or this State, as may be necessary for the safe keeping of the property and other interests of the corporation, and may have and use a common seal, and change the same at pleasure; and in conveying real estate the whole Board of Trustees shall join in such conveyance.

§ 4. The General Assembly hereby reserves the right to amend, alter, or repeal this act at pleasure.

Approved March 4, 1856.

1856.

CHAPTER 318.

AN ACT for the benefit of the Clerk of the Floyd County Court, and the Clerk of the Pulaski Circuit Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be and is hereby given to James Trimble, Clerk of Floyd county, to list his fee bills for the years 1851, 1852, 1853, 1854, and 1855, and collect them as at present allowed by law to Clerks of this Commonwealth.

§ 2. That the provisions of the first section of this act shall apply to the Clerk of the Pulaski Circuit Court. This act to take effect from its passage.

Approved March 4, 1856.

CHAPTER 319.

AN ACT to amend the charter of the Mobile and Ohio Railroad Company, approved February 26, 1848, and the charter of the New Orleans and Ohio Railroad Company, approved January 9th, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Mobile and Ohio Railroad Company, and the New Orleans and Ohio Railroad Company may receive donations in land or subscriptions to stock in land, in aid of the construction of said roads in this State, and equipping the same; and each of said railroad companies may also purchase, hold, and enjoy any real estate that may be convenient and beneficial to their interests; and said railroad companies may sell and dispose of any real estate they may own or acquire, and convey the same to the purchaser or purchasers.

§ 2. This act shall take effect from its passage.

Approved March 4, 1856.

CHAPTER 320.

AN ACT to amend the charter of the Lexington and Richmond Turnpike Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the number of Directors of the Lexington and Richmond Turnpike Road Company shall be reduced to the number of four, and the management of said road, and all its chartered privileges, shall be under the control of a President and four Directors, instead of the number now prescribed by law.

§ 2. That at the next meeting of the stockholders of said company, the acceptance of this amendment to their

charter shall be submitted to a vote, and if a majority vote in favor of it they shall proceed to elect a President and four Directors as prescribed in the first section of this act.

1856.

Approved March 4, 1856

CHAPTER 322.

AN ACT for the benefit of the Trustees of the Methodist Episcopal Church, South, in the county of Henry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That it shall be lawful for the present Trustees of the Methodist Episcopal Church, South, in the county of Henry, to sell and convey their, meeting house known as "Ebenezer," and the grounds connected with the same, for the purpose of aiding their brethren in the town of New Castle in the building of a new church in said town.

Approved March 4, 1856.

CHAPTER 323.

AN ACT for the benefit of the Sheriff of Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Sheriff of Bath county be allowed until the 1st day of March, 1856, to pay the balance of his revenue into the Treasury: *Provided, however,* That the passage of this act shall in no sense lessen the obligation said Sheriff and his securities are now under to the Commonwealth to pay said revenue; and that said Sheriff shall pay interest from the 15th of December last, at the rate of six per cent. per annum upon any balance he may yet owe the Treasury.

§ 2. That the said Sheriff shall not be entitled to the provisions of this act unless he shall first file with the Auditor of Public Accounts, or the Clerk of the Bath County Court, the consent of his sureties in his bond for the collection of the revenue, in writing, to the extension of the time to said Sheriff.

Approved March 4, 1856.

1856.

CHAPTER 324.

AN ACT to incorporate Napoleon Lodge, No. 216, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members and those who may hereafter become members of Napoleon Lodge, No. 216, of Free and Accepted Masons, in Napoleon, Gallatin county, be and they are hereby created a body politic and corporate, by the name and style of Napoleon Lodge, No. 216, of Free and Accepted Masons, and by that name and style shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, of purchasing and holding such real and personal estate as may be required for the use of said Lodge; to receive all necessary conveyances; to sell, convey, and dispose of all such real or personal estate as they may now have or may hereafter acquire: *Provided*, That the amount invested in real estate, exclusive of buildings thereon, shall at no time exceed ten thousand dollars.

§ 2. That the management of the concerns of said corporation shall be and is hereby confided to the Master, Senior and Junior Wardens, and their successors in office, as Trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the real or personal estate of said Lodge.

§ 3. That the said Trustees shall have power to pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of the United States or this State, as may be necessary for the safe-keeping of the property and other interests of the Lodge; and may have and use a common seal, and change the same at pleasure; and in conveying real estate, the whole Board of Trustees shall join in such conveyance.

§ 4. The General Assembly hereby reserves the right to amend, alter, or repeal this act at pleasure.

Approved March 4, 1856.

CHAPTER 325.

AN ACT to incorporate Mt. Eden Lodge, No. 263, of Free and Accepted Masons, of Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members of Mt. Eden Lodge, No. 263, of Free and Accepted Masons, of Mt. Eden, in Spencer county, be and they are hereby created a body politic and

Body corporate.

corporate, by the name and style of Mt. Eden Lodge, No. 263, of Free and Accepted Masons, and by this name they shall have perfect succession, and shall be capable of contracting and being contracted with, of suing and being sued, of answering and being answered, of purchasing, receiving, and holding all such real and personal estate as said corporation or Lodge may desire for their uses and purposes; to receive all necessary conveyances; to sell, convey, and dispose of all such real and personal estate as they may now have or may hereafter acquire: *Provided*, the amount vested in real estate, exclusive of buildings thereon, shall at no time exceed five thousand dollars.

§ 2. That the present Master, Warden, Secretary, and Treasurer of said Lodge, viz: Wm. S. Crutcher, Joseph Tinsley, James C. Burnett, Daniel White, and Hardin D. Clarke, and their successors in office, are hereby constituted Trustees of said corporation, a majority of whom shall have full power to make any and all contracts whatever pertaining to the real or personal estate, either in purchasing and receiving, selling, and conveying, building, renting, or for any other purpose connected with the business or interest of said Lodge or corporation; which contracts shall be binding and obligatory upon said Lodge when made in pursuance of its rules, by-laws, and instructions; and service of process or notice on any of said Trustees shall be sufficient notice to said corporation.

§ 3. That said Lodge may at any time pass such by-laws, rules, and regulations, not inconsistent with the constitution and laws of this State or of the United States, as may be necessary for the protection and management of its property.

§ 4. The Legislature reserves the right to change, amend, or repeal this charter.

Approved March 4, 1856.

1856.

Name and style.

Corporate powers.

Who to be Trustees.

May pass by-laws.

CHAPTER 326.

AN ACT to incorporate the Columbia Male and Female High School.

WHEREAS, A company of gentlemen, have associated themselves together, in a joint stock company, under articles of limited partnership and contract in writing, and in pursuance of the object of the association and articles, have purchased a parcel of land containing about four acres, more or less, adjacent to the town of Columbia, in Adair county, and erected a building for educational purposes; and whereas, the said articles provide that a majority in number of shares subscribed, may dispose of the said building, for educational purposes, in such manner

1856.

and upon such terms as may be determined by a majority of the stockholders; and whereas, the said company, by an almost unanimous action, did, on the 12th day of May, 1855, enter into a written contract with a committee, appointed with full powers for that purpose by the Transylvania Presbytery, whereby the use, control, possession, and right of enjoyment and management of said land and building was ceded to the said Presbytery for educational purposes, subject to certain conditions, limitations, and restrictions; and whereas said contract was unanimously ratified by the said Presbytery, on the —— day of June, 1855: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said contract be and the same is hereby rendered legal and valid, and shall pass and vest in each party the rights severally secured therein, according to the terms thereof.

Trustees.

§ 2. That John Montgomery, Aaron A. Hogue, Henry C. Read, Samuel B. Cheek, Timoleon Cravens, Thos. E. Bramlette, Robert Miller, Josiah Harris, Samuel B. Field, Nathan Montgomery, and Thos. T. Alexander, who are appointed by the said parties, in said contract and by the said Presbytery aforesaid, Trustees of the said building and land and of the schools therein taught, be and they are hereby appointed a body politic and corporate, under the name and style of "the Board of Trustees of the Columbia Male and Female High School," and that in said name, style, and character, they shall be the legal head and general representative of the said school, and of all property, real, personal, and mixed, in which the said school shall have a legal, equitable, or usufructuary interest or right, and in said name and style may sue and be sued, plead and be impleaded in any court, and in fine, may do any and all acts, necessary to be done, in the control and management of said school, and rights of property: *Provided*, that the Transylvania Presbytery may at any time revise, reverse, and regulate the action of the said Board of Trustees.

Corporate
name.Privileges and
powers.Absolute title
may be vested
with Trustees.

§ 3. That so long as the said contract shall exist unchanged and unrescinded, the stipulations thereof shall be the paramount law for the government of the said Board in those respects provided for in said contract.

§ 4. That should the said company, by virtue of their articles of partnership, hereafter, by a vote of a majority of the stockholders, determine to vest the absolute title to said land and building, in the said Board of Trustees, for the use of said Transylvania Presbytery, in trust for educational purposes, such action shall be legal, valid, and operative to pass the title according to its provisions. That shall the said company make an order to the above

effect, by a vote of a majority in number of shares of the stockholders, it shall be lawful for Milton P. Wheat, who is the holder of the legal title to said land, and whose bond the stockholders of said company hold for a title, to convey the said land and building to the said Board, for the use aforesaid, in trust as aforesaid; and said deed of conveyance shall be effectual to pass the title to and fully vest the same in the said Board, according to its provisions.

§ 5. The said Board of Trustees, and each member thereof, shall hold his office during the pleasure of the said Presbytery; and the said Presbytery shall possess sole power to appoint successors perpetually, who, while they remain in office, shall possess like powers and be governed by like restrictions as the present Board.

§ 6. The said Board of Trustees shall, upon the recommendation of the faculty of said institution, possess power to confer the degrees of Bachelor of Arts and Mistress of Arts.

§ 7. Should Milton P. Wheat convey the title aforesaid to the company aforesaid, and afterwards the said company determine to convey the title to the Board, as provided in section four of this act, said company may by order, direct their Secretary to convey the same by himself for and on the part of the company, which deed shall be effectual to pass the title as provided in this act.

§ 8. The said Board of Trustees are hereby empowered to take and hold by purchase, gift, grant, contract, devise, or in any other manner whatever, real, personal, and mixed estate of any kind whatever, not exceeding two hundred thousand dollars in value; and that, under the control as aforesaid of said Presbytery, the said Board may erect buildings and make improvements generally upon any lands in which they have or may acquire an interest, and may hold the same in perpetuity for the purposes aforesaid. And that they, a majority of two-thirds of them concurring, and with the consent of the said Presbytery, may sell or otherwise dispose of any property owned by them; but the proceeds shall be always sacredly dedicated to the purpose of education in aid of said Male and Female High School.

Term of office.

Degrees of A.
A. and M. A.Additional
powers of Trus-
tees.

Capital.

Approved March 4, 1856.

CHAPTER 327.

AN ACT for the benefit of the late Sheriffs and Deputy Sheriffs of Nicholas county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James E. Secrest, late Sheriff of Nicholas

1856.

county, and late deputy of John Clay and John Alexander, late Sheriffs of said county, have the further time until the first day of January, 1857, to return his delinquent list of revenue tax and county levies for the year 1854, in regard to the revenue and for the county levy during the whole time; and his lists when returned to have the same effect and take the same course as if the same had been returned according to existing laws.

§ 2. *Be it further enacted*, That said James E. Secrest, late Sheriff and late deputy as aforesaid, have the further time of two years to collect by distress and sale of property his unpaid fee bills and the revenue tax and county levies which accrued during the time he was Sheriff and Deputy Sheriff of Nicholas county.

§ 3. *Be it further enacted*, That John Clay have the further time of two years to collect his unpaid fee bills and the revenue tax and county levies which accrued during the time he was Sheriff and Deputy Sheriff of Nicholas county, and that he have power to distrain for the same in the same manner as if the same had been collected in time: *Provided*, That the privileges granted in the second and third sections of this act shall not extend to any claims accruing prior to the year 1850.

Approved March 4, 1856.

CHAPTER 329.

AN ACT to establish an additional election precinct and place of voting in Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the County Court of Christian county may, if in their discretion they deem it proper and necessary, to establish an additional election district and place of voting in said county, in the town of Garrettsburg, at some place in said town to be designated by said court. Said district shall embrace the voters in the following boundary, viz: commencing on the State line where the Clarksville road intersects the State Line road, near the residence of Henry Young; running thence north six miles; thence west five miles; thence south to the Tennessee line; thence with said line to the beginning: *Provided, however*, That said district be established at least sixty days before any general election; and the establishment of the same is not intended to interfere with the civil districts of said county as now laid off and established.

Approved March 4, 1856.

CHAPTER 330.

1856.

AN ACT to incorporate Browninski Lodge, No. 64, I. O. O. F., of Carrollton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That A. H. Lathrop, F. H. Giltner, James S. Wyatt, Robert Darling, C. D. Imrie, and their associates, are hereby created a body corporate, by the name and style of Browninski Lodge, No. 64, of the Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession, and by that name are made capable in law, as natural persons, to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved February 16, 1838, nor in contravention of the constitution and laws of the United States or of this State. The said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved March 4, 1856.

CHAPTER 331.

AN ACT to incorporate the Union and Richwood Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be and is hereby formed and created a body politic and corporate, by the name and style of the Union and Richwood Turnpike Road Company, for the purpose of constructing an artificial road, on the Macadams plan, from the town of Union, Boone county, Kentucky, thence to pass the Blacks of F. Dickey, to the place known as the town of Beaver in said county.

Corporate
name and pur-
poses.

§ 2. The capital stock of said company shall be twenty thousand dollars, to be divided into shares of twenty-five dollars each.

Capital stock

1856.

Books openedObligation.Organization.Term of office.Corporate
privileges.

§ 3. That a book or books may be opened for the subscription of stock in said company, at Union, under the direction of R. T. Stansifer, Ben L. Hendrick, C. Wilson, and F. Dickey; and at Beaver under the like control of J. C. Hughes, John Tucker, and Benjamin Suddeth, as commissioners, on the first Saturday in April, 1856, or as soon thereafter as may be convenient, and the commissioners shall direct; and they may continue the books open as long as they may think proper.

§ 4. The subscribers shall, in the books of the commissioners, enter into the following obligation, to-wit: we whose names are hereunto subscribed, do respectively promise to pay the President, Directors, and company of the Union and Richwood Turnpike Road Company, twenty-five dollars for each share of stock, set opposite to our names, at such times as we may designate, and pay the same in such proportions and at such times as the said President and Directors may require, after the same becomes due and payable. Witness our hands this the —— day of ——; which amounts shall be collected in the proper courts.

§ 5. So soon as four thousand dollars is subscribed to the capital stock of said company, it shall be the duty of the commissioners named in the third section of this act to give notice in such manner as they may think proper, for a meeting of the stockholders at such time and place as they may think proper to designate, for the purpose of electing a President and five Directors; and one vote shall be allowed for each share of stock; and the President and Directors shall continue in office for one year, and until their successors are duly elected. The times and places for all elections after the first shall be fixed by the President and Directors of said company for the time being. A majority of the commissioners shall be competent to transact all business.

§ 6. So soon as said company is organized by the election of officers, the President and Directors shall be a body politic and corporate, in fact and in law, under the name and style of the Union and Richwood Turnpike Road Company, and by that name and style shall have perpetual succession, and all the privileges and franchises incident to a corporation; shall be capable of holding their capital stock, and the increase and profits thereof, and of taking and holding by purchase or gift all such lands, tenements, hereditaments, real or personal property, as may be necessary for the prosecution of their works or the objects of this corporation; they shall have power to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity, or elsewhere; also to have and use a common seal, and generally to do all and every matter or

thing which a corporation may lawfully do, to effect the objects for which this corporation is created.

§ 7. *Be it further enacted*, That so much of an act, entitled, an act to incorporate the Warsaw Turnpike Road Company, passed and approved February 12th, 1849, as is embraced in sections seven, eight, nine, ten, and eleven, be and the same is hereby re-enacted and adopted as a part of this act, except that part of section nine, where the name of Gallatin is used in said section, the name of Boone shall be used in this act: *Provided*, that nothing herein contained shall authorize any subscription of stock upon the part of the State.

1856.

§ 8. This act shall be in force from its passage.

Approved March 4, 1856.

CHAPTER 333.

AN ACT to provide for a place of voting in 4th district, in Bath county, instead of the Olympian Springs.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the Bath County Court, at the term of said court to be held in the month of April or May, in the year 1856, by an order of said court, to fix some suitable place as nearly central as may be, in the 4th district in Bath county, for holding the elections, instead of at the Olympian Springs, as now provided by law.

§ 2. That all laws now in force requiring elections to be held at said Olympian Springs, be and the same are hereby repealed.

Approved March 4, 1856.

CHAPTER 334.

AN ACT to amend and reduce into one all the acts concerning the town of Bowlinggreen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That that portion of Warren county known by the name of Bowlinggreen, and included in the following boundary and description, viz: on the north-west side, by a line coincident with the north-west side of Clay street, being the fifth street from the Court House; on the south-west side by a line parallel with Plain street, and distant therefrom twenty-six hundred and seventy feet, and four hundred and twenty feet south-west from the second street, lately laid off by Covington's heirs, as an

boundary.

1856.

addition to the town; on the south-east side by a line parallel with, and four hundred and twenty feet south-east of the third street, in Skiles' enlargement, being the fourth street in that direction from the Court House; on the north-east side by a line coincident with the north-east side of Perry street, in Moore's river addition to said town; said four lines being continued until they intersect each other, with all additions to said town laid off into town lots and streets, outside of the above boundary, that have been regularly added thereto by order of the County Court, and now recognized as in town, together with a square half acre lot, adjoining lot number one hundred and twenty-four, and fronting on Clay street, including the dwelling-house of Samuel Stubbins, formerly John B. Helm's, shall be, and is hereby declared to be the town of Bowlinggreen, and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of answering and being answered, in all matters whatever, and in all courts and places.

Corporate name.

Board of Trustees.

Elections.

Qualifications of electors.

Wards.

§ 2. That the fiscal, prudential, and municipal concerns of said town, with the government thereof, shall be vested in one principal officer, to be styled the Chairman of the Board of Trustees, and six Trustees, who shall be elected on the first Saturday in December, in each year, in the manner hereinafter prescribed, and shall hold their offices until their successors have been duly qualified; all of whom shall be freeholders, and shall have resided in said town one year next preceding their election.

§ 3. That, on the first Saturday in December, in each year, there shall be an election held by two judges, appointed by the board, from their number, and a clerk, for a Chairman and six Trustees, and for a Police Judge and a Marshal, who, as well as the Chairman and Trustees, shall have resided in said town one year next preceding their election. All free white male persons over twenty-one years of age, who shall have, *bona fide*, resided in said town for six months next preceding the time of the election, or shall at that time be owners of real estate therein, and who shall have paid their taxes for the current year and all arrearages due for tax or otherwise, shall be entitled to vote, naming the persons for whom they vote as Chairman, Trustees, Police Judge, or Marshal.

§ 4. The Board of Trustees shall have power every year, sixty days previous to the annual election in such year, to lay the town off into two or more wards, to be as nearly equal in population and improvement as may be practicable, out of each of which may be elected an equal proportion of Trustees, to reside therein, by the persons entitled to vote in the respective wards. Notice shall be

given in some newspaper printed in said town, or at two or more public places therein, of the place at which the election is to be held in each ward. Judges and clerks appointed as directed in the third section, shall hold the elections in the different wards at the same time and close at the same hour. They shall give to the persons receiving the highest number of votes as Trustees certificates of their election. The judges and clerks of the different wards shall, on the Monday following the election, meet and deposit the poll-books with the clerk of the board, who, in their presence, shall add up the polls and give to the persons receiving the highest number of votes for Chairman, Police Judge, and Marshal a certificate of their election.

§ 5. The Chairman, Trustees, Police Judge, Marshal, and all officers appointed by the board, before entering upon the duties of their respective offices, shall take an oath to support the constitutions of the United States and of the Commonwealth of Kentucky, and to discharge the duties of their respective offices to the best of their ability so long as they continue in office. The Chairman, Police Judge, and Marshal, shall be sworn before a Justice of the Peace; the Chairman may administer the oath to each of the Trustees and to all officers appointed by the board.

§ 6. The Chairman, Trustees, Police Judge, Marshal, and all officers appointed by the board, shall reside and keep their offices within the limits of said town, during their continuance in office. Three months absence from said town by the Chairman or either of the Trustees or any officer in said town, shall vacate the office of such absentee by a resolution to that effect, adopted by the whole number of remaining Trustees; and another may, in such case, be elected by the Board of Trustees in his stead; and said board may fill all vacancies occurring by resignation or death in the board, or in any of the officers of said town.

§ 7. All the officers of said town shall be vigilant and active in causing the laws and ordinances to be duly executed. The Chairman when present shall preside at the meetings of the board, and give the casting vote when there shall be a tie; he shall call the board to order, and convene the same when he may think proper. He shall countersign all orders of the board signed by the clerks; he shall report all improper conduct of the officers appointed by the board to the board in session, who shall have the power to remove them by resolution entered upon their journal. He shall have the care and superintendence of the public property of said town and shall perform such other duties as the board may think proper to impose on him as the chief executive officer of the

Officers to be sworn.

Officers to reside in town.

Vacancies.

Duties of the Chairman.

1856.

town. Whenever the board shall require the revenue of the town to be deposited in bank, to the credit of the Chairman, he shall be required to execute bond to said town in an adequate penalty, conditioned that he will faithfully pay over and account for all moneys that may come to his hands or be placed to his credit as Chairman.

Chairman's compensation and privileges

§ 8. The Chairman may be compensated for his services out of the funds of the corporation, to be fixed by the Board of Trustees, exclusive of the Chairman. He may, with the advice and consent of a majority of the Trustees, remit any fine, penalty, or forfeiture incurred or imposed by any law or ordinance of the town, and discharge from the work house or jail any person therein confined for violation of such law or ordinance, but such remission of fine or discharge from imprisonment shall be on condition of payment of costs; and if not made so conditional, said costs shall be paid out of the town treasury.

§ 9. The regular meetings of the board shall be held on the third Monday in each month throughout the year. Four of the Trustees shall be capable of doing business in session. The board shall have the power to enforce the by-laws and inflict penalties, not exceeding two dollars, on any member for non-attendance at any one meeting, to be applied for stationery, lights, and fuel for the board.

Duties of the Clerk of Board of Trustees

§ 10. The Board of Trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, records, and everything belonging to the office, and to deliver the same to his successor in office on application being made therefor. He shall keep a regular journal of the proceedings of the board and a correct account of the fiscal concerns thereof; he shall record all the acts, resolutions, and orders of the board; he shall take all bonds and agreements between the board and other persons; he shall furnish attested copies of all acts, resolutions and orders passed by the board, when required to do so by persons entitled to demand the same; he shall draw his orders on the treasurer or chairman for all sums of money due to persons on claims allowed by the board or on the bonds of said town on the application of the holders; and on the return of the Assessor's lists to the board, and the assessment of the taxes thereon, he shall hand over one of said lists, together with the order fixing the rate of assessment, to the Collector, taking his receipt therefor. He shall be required to give bond in an adequate penalty to be fixed by the board, conditioned for the faithful discharge of the duties of his office.

§ 11. The Board of Trustees may receive conveyances, or the consent in writing of the proprietors of lots or lands within the town, for the purpose of locating new streets

or alleys, or extending any of the streets or alleys to the limits thereof; and on receiving the same, may direct such street or alley to be extended or opened, and when they shall deem it proper to have any new street or alley opened or any of the streets or alleys of said town extended in part or to the limits thereof, they shall petition the Warren Circuit or County Court, or the Bowlinggreen Police Court, stating the street or alley they wish opened or extended, and the names of the owners, if known, of the lots and lands through which they desire to have such street or alley opened or extended, and the width thereof, and thereupon the court shall order a summons to issue for such owners to appear on some convenient day of that or some subsequent term, to show cause why such street or alley shall not be opened or extended, which summons shall be executed on such owners if in the county, if not, on their agents if known, and on the return of the summons executed, or the return of "no inhabitant and no known agent," and no one appearing, the court shall order the street or alley to be opened or extended; and if any one or more of such persons shall appear, they shall have a right to claim a writ of *ad quod damnum*, which the court shall award, directed to the proper officer, to be executed as other writs of that nature for opening roads; and on the return of the writ executed the court shall order the board to pay the damages assessed, and shall order the street or alley to be opened or extended. The board shall have full power and authority to cause all streets and alleys to be opened and cleared of all obstructions, by the infliction of suitable fines and penalties: *Provided, however,* That the board shall have power at any time before the final order or decree to dismiss their petition, which shall not prevent their again instituting proceedings for opening such street or alley at any time after one year from said dismissal.

§ 12. The Board of Trustees shall have full power and authority (two-thirds of the whole number of the Trustees concurring) to cause all the streets and alleys or any of them, or any part or portion of them, in said town now established, or hereafter to be established, to be graded, paved, turnpiked, gravelled or otherwise improved.

§ 13. The Board of Trustees shall have full power and authority to cause the side-walks, or any part or portion of them in said town, to be curbed, graded, and paved with stone or brick, and when so done, to be kept in good repair, and to assess the costs and expenses of such curbing, grading and paving or repairs adjacent to any lot or part of lot against the owner of the lot or part of lot fronting thereon; and to secure the payment of said costs and expenses, a lien is hereby given on said lots or parts of lots. Said costs and expenses may be listed as taxes with the

1850.

Opening of
new streets and
alleys, and ex-
tending those al-
ready in ex-
istence.

Improvement
of streets.

Improvement
of side-walks.

1856.

collector of said town and, by him, collected as other taxes, who shall have power to sell and convey said lots and parts of lots, or so much thereof as may be necessary, in the same manner that real estate in said town may be sold for taxes: *Provided*, That infants, *feme covert*, and persons of unsound mind shall have five years, after their several disabilities are removed, to redeem the same.

Wells and cisterns.

§ 14. The Board of Trustees shall have power and authority to cause said town to be supplied with water by sinking wells, constructing cisterns, placing pumps therein and keeping the same in repair at the expense of the town.

Fire department.

§ 15. The board shall have power to organize a fire department for the extinguishment of fires that may happen within said town, to provide engines and other apparatus for that purpose, and to appoint a suitable number of able bodied men, not exceeding forty to each engine, who shall be exempted from serving on juries, and doing militia duty in time of peace, and from paying the poll-tax authorized to be levied by this act, during the time they are attached to said engines; the said firemen to be appointed for any term that the board shall ordain, and be discharged by them at pleasure, and the board also shall have power to pass all necessary ordinances to punish any inhabitant of said town for non-attendance, or disorderly or improper conduct during the time of fire.

Health regulations.

§ 16. They shall also have power to appoint a health officer, and to establish regulations which may be necessary and proper to prevent the introduction of small-pox or other contagious diseases into the town, and to eradicate such disease when it shall have made its appearance therein: *Provided*, That they shall not establish any regulation inconsistent with the constitution and laws of the State; nor shall anything herein be deemed to prevent the Legislature from changing, by law, any regulation which may be made on this subject by said board or in relation to inspections, nor to restrict the power of the County Court of Warren.

Workhouse.

§ 17. The board shall have power to erect or procure a suitable building for a workhouse, in which shall be confined vagrants, and all persons who may be sentenced for short periods to confinement by the Bowlinggreen Police Court, or by Justices of the Peace within said town, for breaches or disturbances of the peace, or for petty offences, where they shall be employed in labor and made to perform such tasks as shall be directed by the ordinances of said town. Persons committed to the workhouse shall be sent there by warrant, either of the Bowlinggreen Police Court or of Justices of the Peace as aforesaid, and discharged by the Overseer on the expiration of the time for which they were sentenced. All ordinances necessary

to carry this section into effective operation, not repugnant to the laws of this State or of the United States, may be made and enforced by the Chairman and Board of Trustees.

§ 18. The board shall have power to pass ordinances regulating the introduction of gunpowder for sale into said town, and the storing of the same therein, and they may enforce compliance with such ordinances by suitable penalties, in addition to the forfeiture of the powder introduced or stored in violation thereof.

Regulations concerning gunpowder.

§ 19. The board shall have the exclusive right to regulate the sale of spirituous liquors within said town. They shall also have the right to tax, and the exclusive right to license, all taverns, houses of private entertainment, grocers, victualers, confectioners, and houses of public resort, except gambling houses and houses of ill-fame in said town; but tavern-keepers and vendors of spirituous liquors shall still be liable to pay any revenue tax now required by the laws of the State to be paid, and no license shall be granted whereby spirituous liquors or wines may be retailed, except to a tavern-keeper upon the payment of fifty dollars at least.

Spirituos liquors.

§ 20. They shall have power and authority, two-thirds of the Trustees concurring, to suspend, either indefinitely or for a limited period, any license which they may grant, or which may have been granted to a tavern-keeper, whenever they shall be satisfied that said tavern-keeper has permitted any unlawful gaming in his house, or has permitted any disorderly or indecent conduct to be practiced or committed in his house or has permitted any person or persons to tipple or drink to intoxication therein: *Provided, however,* That no license shall be suspended until the said tavern-keeper shall have had at least five day's previous notice, and has been permitted to show cause, if any he can, why his license should not be suspended. If any person, whose license shall have thus been suspended by said board, shall afterwards sell by retail any spirituous liquors or wines, he shall be denied guilty of keeping a tippling-house.

Tavern licenses.

§ 21. The board shall have power to suppress, by ordinance with suitable penalties, all tippling-houses, bawdy houses and houses of ill-fame, all retailing of spirituous liquors and wines, all riots, breaches of the peace, disorderly or indecent conduct, vagrancy, disturbances of religious worship and disturbances of the peace and tranquility of the town. They shall also have power, whenever the public convenience or safety shall, in their opinion, require it, to prohibit hogs and other animals from running at large in the streets, alleys, commons and other public places in said town, and to require and compel the abatement and removal of all nuisances within the limits

Tippling houses, houses of ill-fame, vagrancy, &c.

1856.

Slaves hiring
their own time.Deputy Mar-
shal.

Collector.

Bonds.

of said town, under such regulations as shall be prescribed by ordinance.

§ 22. The board may by ordinance, prohibit slaves from hiring their own time within said town, and on conviction of a violation of such ordinance said slaves may be confined at labor in the town workhouse or on the streets, or hired out three months: *Provided*, That the master or mistress or hirer of such slaves, shall first be summoned to show cause, if any they can, why such slaves should not be confined or hired out as aforesaid.

§ 23. The Marshal may, with the consent of the Board, appoint a deputy; he shall, by himself or deputy, attend all the sessions of the Chairman and Trustees, and of the Police Court, and preserve order under his or their direction; he shall, by himself or deputy, execute all process emanating from the Bowlinggreen Police Court; he may be appointed town collector of taxes, and shall be entitled to receive the same fees and commissions that Constables are allowed for similar services; he shall execute bond with sufficient security, in an adequate penalty, before the Chairman and Trustees to the Commonwealth of Kentucky, conditioned faithfully to discharge the duties of his office, and to pay over all sums of money that may come to his hands, to the persons entitled, and a lien shall exist on the land and slaves of said Marshal and his sureties, from the time of executing bond for all sums of money that shall come into his hands; for other services than those above provided for, he shall be entitled to the same fees that are allowed to Sheriffs for similar services, and shall have the same power and duty within the town; he and his sureties shall be liable to judgment by motion in the Warren Circuit Court, in favor of any person or corporation entitled to money collected by said Marshal or his deputy, in like manner as Sheriffs are liable; he shall collect the fees of the Police Judge, when fee bills therefor are placed in his hands for collection, in like manner as is prescribed by law in relation to fees of Clerks of County and Circuit Courts, and shall receive the same compensation for receiving, collecting, and paying over said fees, that is allowed to Sheriffs for like services, and shall be liable to motion in the Police Court in case of delinquency or breach of official duty in like manner as Sheriffs are in the Circuit Courts.

§ 24. The Board shall have the power and authority to assess, levy, and collect taxes on the value of all estate, real, personal, and mixed, and choses in action held, owned, possessed, used, or employed in said town, or on such classes of the same as they may designate, but such taxation shall be uniform on each description of property assessed, and shall not exceed twenty-five cents on each hundred dollars of such valuation in any one year. But no tax shall be levied or collected on the choses in action

or money of any person, except upon the excess of the same over and above the just debts of such person on the day of the annual assessment.

§ 25. The Board shall annually appoint one town assessor, and one assistant, if necessary, who shall take in a list of all the taxable inhabitants, and owners of property in said town, separately, and affix against each the real estate in said town owned by him, her, or them, with the value thereof on the tenth day of January in that year in which the list is taken, and also the true and just value of such other estate of each of said inhabitants or owners, whether in slaves, goods, stocks, or other property, owned, held, possessed, used, or employed by him, her, or them in said town, on said tenth day of January, as may be designated for taxation by said Board, which list shall be made on the oath of the party, or if the party refuse to give in a list and swear to the same, the list shall be made from the best information the assessor possesses; and said list shall be extended to include all free males over twenty-one years of age, and all slaves held on hire, with the value of each, all taverns, grocers, victuallers, confectioners, and houses of public resort, (except gaming houses and houses of ill-fame,) hacks, drays, carts, wagons, and porters, plying in said town for hire, if required by the Board; of which lists two fair copies, arranged in alphabetical order, shall be completed and returned to said Board at the regular meeting in March, whereof notice shall be given, that any of said inhabitants or owners may examine the same, and if any one should feel aggrieved thereby in an excess of valuation or otherwise, application may be made to the Board, and on proof being made to their satisfaction, the list may be corrected: *Provided*, the application is made within the time that may be prescribed by them, after which no abatement or change shall be made. The Board shall proceed to lay and levy the taxes for the current year, from estimates previously submitted to them by the Chairman.

§ 26. The Board shall likewise have the power by ordinance to provide for the taxing of any store, grocery, &c., that may be opened or commenced at any time subsequent to the day fixed upon for the annual assessment, and also of all itinerant merchants or venders: *Provided*, That in no case, shall the tax levied on such store, grocery, &c., be less than the ratable amount, (as compared with the other assessment,) in proportion to the time the same may be kept open or continued. They shall also have the right to tax auctioneers in said town, not exceeding three per cent. upon all public or private sales of goods, wares, or merchandize, not the produce or manufacture of Kentucky, and to require them to take out li-

*Assessor and
assistant taxes
etc.*

1856.

*Power to tax
stores, groceries
&c.*

*Taxing
etc.*

1856.

ense with such restrictions and requisitions as may be necessary to enforce said tax; but no tax shall be levied upon sales of decedents' estates by executors, administrators, or curators, or by Sheriffs, Constables, Marshals, Coroners, or any other public officer as such, or by commissioners appointed or directed by authority of any Court.

Tax upon wagons, carts, drays, hacks and porters.

Dog tax.

Tax on shows, &c.

Poll tax.

Collectors powers and duties.

Collector to give bond.

Liabilities.

§ 27. The Board shall have the right to tax, license, and regulate all carts, wagons, drays, hacks, and porters which may be plying in said town for hire. They shall also have the power, whenever in their opinion the interests of said town may require it, to levy and collect taxes on dogs and other domestic animals, not exceeding five dollars on each dog or other animal. They shall also have the right to tax, not exceeding one hundred dollars, for each exhibition or performance, all shows, exhibitions, performances, or concerts given, made, or exhibited for money or property within said town, or within one-half mile of the limits thereof; and may prohibit them until a license be obtained. A poll tax, not exceeding one dollar and fifty cents, shall be levied on each free male inhabitant of said town over twenty-one years of age.

§ 28. When the said taxes are made out and fixed, as herein provided, a list shall be placed in the hands of a collector, to be appointed by the Board, with their warrant or authority to collect the same. The power of the collector of said town taxes shall be the same as to distraining, advertising, and selling property as is now granted by law to Sheriffs in the collection of the State revenue and county levy; and for failing to pay taxes on real estate the same remedies by damages and interest by sale of the real estate shall exist, and the same lien also exist on the property taxed, as in the collection of the State revenue. Bond with good security, in an adequate penalty, shall be taken of said collector, payable to the town of Bowlinggreen, and he shall be removable at the pleasure of the Board. The collector and his sureties shall be liable to judgment by motion in the Warren Circuit Court, for failing to collect and pay over any sums put into his hands for collection, at the time stipulated, with ten per centum interests and costs; and five days notice of such motion shall be sufficient, and there shall be no replevin or valuation of property on executions issuing on such judgments. A lien shall exist on the real estate and slaves of said collector and sureties for the payment of all sums placed in his hands for collection. It shall be the duty of the said collector to continue the collection of taxes and other town dues until his successor shall be appointed and qualified, and he shall settle his accounts from time to time, as the Board shall require.

§ 29. The Board shall either appoint a Treasurer to

whom all moneys belonging to the town shall be paid; or, at their option, may cause the same to be deposited in bank in said town to the credit of the Chairman. No claims against the town, except town bonds or interest thereupon, shall be paid until the same are audited and allowed by the Board. In all cases the payment shall be upon an order drawn by the Clerk upon the Chairman or Treasurer for the amount appearing to be due to the claimant, for which order he shall execute a receipt to the Clerk. If the funds of the town shall have been deposited in bank, the Chairman shall receive said order and pay the amount of the same out of the funds deposited to his credit; if a Treasurer has been appointed and the funds paid over to him, the Chairman shall indorse such order in his official capacity on the application of the holder, and the Treasurer shall pay the same on presentation. Such order in the hands of the Chairman or Treasurer, together with the receipt taken by the Clerk, shall be evidence of its payment. Like bond shall be required from the Treasurer, and like remedies are hereby given as in the case of the collector of taxes.

§ 30. The Board shall have power to borrow money on the credit of the corporation, and issue the bonds of the town therefor bearing interest payable annually, redeemable at periods not exceeding twenty years from their date: *Provided*, That the interest paid shall in no case exceed six per centum per annum, and that the amount of said bonds outstanding at any time shall not exceed fifteen thousand dollars. Said bonds shall be signed by the Chairman and countersigned by the Clerk of the Board, and shall be the bonds of the corporation.

§ 31. They shall annually publish an account of all the moneys received, and of all the payments made during the year they are in office, together with a statement of the town debt at the expiration of their term.

§ 32. The Board shall have power to purchase, hold, and sell real estate within the limits of said town; and also to purchase, hold, and sell real estate either within or without the limits of said town, for the purpose of a potter's field, cemetery, and other purposes, not exceeding twenty acres; also to purchase, hold, and sell personal estate and stocks in incorporated companies.

§ 33. They shall have full power to pass all needful ordinances and by-laws for carrying into effect the powers herein granted, and executing all the provisions of this charter, with suitable penalties for the infraction of the same, not exceeding fifty dollars, except in cases of disturbances of religious worship, riots, breaches of the peace, and tippling-houses, where the penalty may be one hundred dollars. They shall also have power to appoint all subordinate officers necessary to carry the provisions

1856.

Treasurer.Trustees may borrow money.Publish statement, &c.May hold and sell real estate and personal estate.Sell stocks.May pass by-laws.Subordinate officers.

1856.

The validity
of an ordinance—
how decided.

Police Court.

Habeas corpus
and *ne exeat*.

Fees for writs
of *habeas corpus*
ne exeat, &c.

of this act into effect, such as police officers, overseers of the workhouse, market master, weighers, and any other that may be required, and to require bond and security of them for the faithful discharge of their duties.

§ 34. The Board shall cause all the by-laws and ordinances to be fairly recorded in the journal of their proceedings, and published in some newspaper printed in said town. The validity of the town ordinances and by-laws may be tried by a writ of prohibition from the Judge of the Warren Circuit Court, with the right of appeal by either party to the Court of Appeals. Should the Judge of the Police Court decide against the validity of an ordinance or by-law, the said decision, with the ordinance or by-law, shall, on the request of the town attorney or Chairman, be certified on the record; and the Board shall have the right of carrying said decision to the Court of Appeals, by appeal or writ of error.

§ 35. There shall be established in said town a court, to be styled the Bowlinggreen Police Court, which shall be held by one Judge elected as provided for in the third section of this act. Said court shall have exclusive original jurisdiction in all prosecutions for violations of the ordinances of said town, and civil, penal, and criminal jurisdiction in all cases where by the laws of this State, Justices of the Peace within the county of Warren are or shall be authorized to hear, determine or in any manner to act; and the laws of this State directing and regulating the disposition of fines assessed in Justices' Courts, shall be applicable to this Court; and as to committing criminal offenders, and sending them on for trial and admitting them to bail, said court shall have the power of two Justices of the peace, and for contempts to his court, said Judge shall have the same power and authority to punish by fine and imprisonment that Circuit Courts have.

§ 36. Said Police Judge shall have the same power and authority to grant injunctions, restraining orders, writs of *ne exeat* and of *habeas corpus* that the laws of this State confer upon Judges of the County Courts. He shall also have power and authority to take depositions in said town, in all cases where examiners are now authorized by law to take the same.

§ 37. Said Police Judge shall be entitled to charge and receive the following fees, viz: For granting an injunction, restraining order, writ of *ne exeat* or of *habeas corpus*, one dollar, to be paid in advance or collected as other fees, and in the case of injunctions, restraining orders and writs of *ne exeat* to be taxed in the bill of costs against the defendants, unless the same be discharged; for issuing a warrant, for a violation of any ordinance of said town, one dollar; for swearing a jury and presiding on the trial in any case, except forcible entry and detainer, fifty cents;

for taking a recognizance to keep the peace, to be paid by the applicant, fifty cents; for taking depositions, the same fees allowed by law to examiners for similar services. All other fees of said Judge shall be the same as those allowed to Justices of the Peace for like services, to be collected in the same way.

§ 38. The jurisdiction of the said Police Judge shall extend to all cases of riots, routs, or unlawful assemblies within the county of Warren, as hereinafter provided. Whenever said Judge shall be advised or receive information on oath of any riot, rout or unlawful assemblage of persons, for the purpose of gaming or any unlawful purpose whatever, whether such unlawful assembly shall consist of freemen or slaves, or both, it shall be lawful for him to issue his warrant to arrest all such offenders, directed to the Sheriff or any Constable of said county or to the Marshal of said town: and if no officer shall be at hand to serve said warrant, then to such discreet person as said Judge shall appoint, returnable before some Justice of the Peace of said county; on which warrant it shall be the duty of the officer or the person to arrest and bring before said Justice all the persons who shall be found so assembled, to be dealt with by him according to law; and it shall be the duty of the citizens of the town and county to attend the officer or other person, if they shall be thereunto summoned, to aid and assist in arresting the persons so violating the law.

§ 39. The laws relating to the times of holding the courts of Justices of the Peace, shall be applicable to the Bowlinggreen Police Court, when sitting for the trial of civil causes. Said court shall be holden at such place as the Board of Trustees shall designate, or they failing to designate a place, at such place as the Judge shall select; and the Judge shall have power to fix such times for holding his court for the trial of penal causes as, in his discretion, the cases coming before him for trial may seem to require. He shall keep a record of his proceedings, an attested copy of which shall be evidence, and have the same effect as records of Justices of the Peace. Parties shall have the same right of appeal from the judgments of said court, and in the same manner, as from judgments of Justices of the Peace in similar cases. All penalties for breaches of the ordinances of the town shall be sued for by warrant in the name of the town, and be for its use.

§ 40. All persons convicted of violating the ordinances or by-laws of the town, and failing to pay the fines, therefor assessed against them, and the costs, shall be confined in the town workhouse at labor, or in the jail of Warren county, until the fines assessed against them, and the costs of prosecution are discharged, at the rate of fifty cents per day. Whenever the fees of the Police Judge and Mar-

1856.
Jurisdiction of
the Police Judge

Times of hold-
ing Police Court

Fines.

1856.

Compensation
of Jurors.

shall be discharged by confinement in the workhouse or jail, and in the case of slaves convicted of hiring their own time, said fees shall be paid out of the town Treasury.

§ 41. The Board of Trustees shall have power, whenever they deem it necessary, to pass an ordinance providing for the compensation of jurors in the Police Court. They may, once in each year, levy and collect a tax to create a fund for that purpose, out of which each juror may be allowed and paid a sum not exceeding fifty cents for each day he shall have served; and in cases tried by a jury in said court, if the defendant be found guilty, the sum of two dollars, in addition to the costs, heretofore allowed, shall be taxed in the bill of costs, and in all cases whether tried by a jury or not, where an Attorney on the part of the town shall be employed, an additional sum of two dollars and a half shall be taxed in the bill of costs, if the defendant be found guilty, and collected by the Marshal, to be paid into the town treasury.

§ 42. All the rights, privileges and property, real and personal, and choses in action which are now vested in and belonging to the Trustees of Bowlinggreen, shall be vested in and belong to the town of Bowlinggreen, subject to the payment of all just demands which may exist against said Trustees, and for which they are responsible; and in all suits against said town, the writ shall run in the name of the town of Bowlinggreen, and service on the Chairman shall be sufficient.

§ 43. All the ordinances and by-laws now in force in said town, except so far as they are incompatible with the provisions of this act, shall remain in force until modified or repealed; and all the power, authority and privilege vested in the Chairman and Board of Trustees or in any of the officers of said town by this act, shall be vested in, and exercised by the present Chairman, Trustees, and officers appointed by them, and by their successors in office.

Election.

§ 44. The first election for Judge of the Police Court of said town shall be held on the first Saturday in April of the present year, in the manner prescribed herein for holding elections for Police Judge, &c., on the first Saturday in December. The person elected as Police Judge at that time, upon being qualified, shall enter upon the duties of his office immediately, and continue to discharge the same until the holding of the ensuing regular election, and until his successor is qualified.

Working roads

§ 45. That the citizens of said town and their hands shall be bound as heretofore, to work upon all roads and streets within the bounds of said corporation, and keep the same in good repair; but they shall be exempt from working on roads outside the limits of said town.

§ 46. All acts and part of acts coming within the purview of this act are hereby repealed.

1856.

Approved March 5, 1856.

CHAPTER 336.

AN ACT to incorporate the Harrison County Agricultural and Mechanical Association.

WHEREAS, Divers persons of the county of Harrison have organized an association under the name and style of "the Harrison County Agricultural and Mechanical Association," for the purpose of promoting improvement in all the various departments of agriculture and the mechanic arts, and have chosen a President and ten Directors, and have applied to the General Assembly for an act of incorporation: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Lucius Desha, as President, and Henry Nichols, David Dills, James Miller, Caleb Walton, William Turtay, H. F. Cromwel, Larkin Garnett, jr., Wm. G. Hedges, Francis Gray, and Noah S. Patterson, as Directors, be and they are hereby created a body politic and corporate, with perpetual succession, under the name and style of "the Harrison County Agricultural and Mechanical Association," and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity; and shall be capable of acquiring by purchase or otherwise, any quantity of land not exceeding twenty acres, and may improve, sell, and convey the same, or any part thereof at pleasure; and may acquire, hold, and dispose of such personal estate as the President and Directors of said association may deem necessary and proper. The said association may adopt and use a corporate seal, or may use the seal of its President for the time being.

Corporate
name and priv-
ileges.

§ 2. The President and Directors aforesaid shall continue in office until the second Saturday in May, 1858, and until their successors are duly chosen and qualified; an election, however, of a President and ten Directors shall be had on the second Saturday in May next, by the qualified members of the association, and annually thereafter, unless the members of said association, at said annual election, shall, by resolution, fix upon a different day; and they may at their annual election reduce the number of Directors.

Term of office.

§ 3. The prudential, fiscal, and other concerns of said association, together with all of its estate of every kind, shall be under the control and management of the President and Directors, and they shall have power to appoint

1856.

a Treasurer and Secretary, and such other officers as they may deem necessary in carrying out the purposes of said association; and they may require of such officers, or either of them, so appointed, bond with good security for the faithful discharge of his or their duties. Said President and Directors shall have power to make and adopt such constitution, regulations, and by-laws, not inconsistent with the constitution and laws of this Commonwealth, as in their opinion may contribute to the good order and management of said association, and may, from time to time, alter, modify, and repeal the same at their pleasure. They shall have power to contract and be contracted with in their corporate name, and to do any and every other act, not inconsistent with the constitution and laws of this Commonwealth, which in their opinion will contribute to advance the objects of said association.

§ 4. Any five members of the directory, with the President, shall be a quorum for the transaction of business, unless the association shall fix on and require a different number.

*Spirituos li-
quors.*

§ 5. No spirituous liquors shall, directly or indirectly, during the continuance of any fair of said association, be sold upon the premises used for any such fair or exhibition; nor shall any such liquor, during any such time, be sold either directly or indirectly upon any lot, lane, road, or street adjoining the same, under the penalty of twenty dollars for each and every such offense, to be recovered, together with the costs, by warrant before the County Judge of Harrison county, or any Justice of the Peace for said county; and each separate act of selling shall be a separate offense.

§ 6. The General Assembly reserves the right to amend or repeal this act at pleasure.

Approved March 5, 1856.

CHAPTER 337.

AN ACT to improve the State Road from Columbia to Albany.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

*Commission-
ers.*

§ 1. That Junius Caldwell and Clayton Miller, of Adair county, John E. Grider and Berry Flowers, of Russell county, and Thomas Allen and S. B. Maxey, of Clinton county, be and they are appointed commissioners, who, or a majority of whom, shall take charge of and superintend the improvement of that part of the State road leading from the town of Columbia, in Adair county, to Grider's Ferry, in Russell county, and thence to Albany, in Clinton county; and that said commissioners proceed to

open books in said counties for subscriptions to the improvement of said road in the counties of Adair, Russell, and Clinton, between Columbia and Albany, and so soon as the subscription of one thousand dollars is made, they shall cause the same to be expended on said road, according to the subscription of each county through which the road runs, either by grading or otherwise, as in their judgment seems best for the improvement of said road; and the subscriptions and appropriations as provided for in this act may be increased to any desired amount for the completion of the road upon the plan of other turnpike roads in this State. They shall have power to change said road and place it upon better ground, and for that purpose they shall have all the powers of obtaining the right of way which is now vested by the general laws of this State in regular turnpike road companies. Said commissioners shall report to the County Court of their respective counties the fact that said money has been expended on said road, and in what manner of improvement—whether by grading portions of said road or otherwise; and upon their report being made, it shall be the duty of the County Courts of the counties aforesaid to cause a gate to be erected for the collection of toll: *Provided*, five consecutive miles shall be completed and one gate may be erected upon any part of said road where five miles shall be completed. The said commissioners shall appoint a gate keeper at each gate, who shall take an oath, and enter into bond with security, to be approved by said commissioners, in the penalty of one thousand dollars, conditioned for the faithful discharge of their duties as gate keepers, who shall be subject to removal at the discretion of said commissioners. He shall also renew his bond every year he may continue in office; he shall, if required, make settlements monthly with said commissioners, or their successors, and at every such settlement he shall pay over to the commissioners of the county in which his gate shall be situated the funds that may be in his hands, according to the amount subscribed and appropriated by them in their respective counties, and take and file their receipts for the same. They shall be permitted to retain out of said funds their salaries, which may be fixed and agreed upon by the commissioners and gate keepers, and which may be changed at the pleasure of said commissioners, with the concurrence of said County Courts and consent of the gate keepers. They shall exhibit and file annually their monthly settlements and receipts in the County Courts of the counties aforesaid, for their inspection, and subject to their correction or approval.

§ 2. The said commissioners, before entering upon their duties, shall enter into bond in the County Courts of their

1856.

Books opened

May change
road.

Right of way.

Tolls.

Gate keeper.

Gate keeper's
salaries.Commission-
ers to give bond.

1856.

respective counties, in the penalty of two thousand dollars, conditioned for the faithful discharge of the duties imposed by this act, which bond shall be taken to the Commonwealth of Kentucky, for the benefit of said counties.

Improvement
of road.

§ 3. That the amount subscribed by the respective counties and the profits arising therefrom, shall be applied to the improvement of said road in each county, according to their respective rights, as soon as received: and that the boundary of hands now allotted to the several surveyors of said road in each county be and are hereby placed under the control of said commissioners, as soon as they commence the improvement of said road under this act. Said commissioners shall be subject to the same penalties and be vested with the same powers that surveyors of roads now are by law, except in such cases as are otherwise provided by this act. All vacancies of the commissioners, by resignation or otherwise, shall be filled by the County Courts of the counties aforesaid. The commissioners shall be allowed, out of the funds arising from the tolls on said road, the sum of one dollar each, for each day they are engaged on said road.

Vacancies.

Rates of toll.

Penalty for
evading pay-
ment of toll.

§ 4. The rates of toll at the gates aforesaid shall be the same rates now allowed by law for five miles of turnpike or plank road, within this State.

§ 5. Any person who shall evade or refuse to pay the toll herein provided, shall be subject to a fine of ten dollars, and said fines shall go to the commissioners aforesaid for the benefit and improvement of said road; and for a violation of this section, the gate keeper, or any one of said commissioners, is authorized to obtain a warrant from a Justice of the Peace, or the County Judge, for the apprehension of such person, which warrant shall be served by the Sheriff or any Constable of the county, by arresting said person and taking him before any Justice of the Peace, who shall forthwith proceed to try the same, and if, upon conviction, he shall fail to pay the fine and costs, he shall be forthwith committed to the county jail, for a period of not less than one nor more than five days.

Counties of
Adair, Russell
and Clinton may
appropriate mon-
ey.

§ 6. That the County Courts of Adair, Russell, and Clinton counties, a majority of the Justices of said courts concurring, may and they are hereby authorized to appropriate whatever sums of money which may be necessary, with the private subscriptions herein provided for, to complete at least five miles of road in each of the said counties of Adair, Russell, and Clinton, under the provisions of this act: and said courts are authorized to receive subscriptions at any time from individuals, to collect and order the same to be paid over to the said commissioners.

§ 7. So soon as said road shall be completed in the manner contemplated by this act, by grading and by cov-

ering with stone or gravel where necessary, and if said road shall yield a profit, the subscribers shall be entitled to their proportions of said profits or dividends, as in other turnpike roads.

§ 8. That the General Assembly hereby retains the power to amend, alter, or repeal this act at any time; and this act to take effect from and after its passage.

Approved March 5, 1856.

1856.

Dividends.

CHAPTER 339.

AN ACT to incorporate the Millersburg Male and Female Collegiate Institute.

WHEREAS, There is established in Millersburg, Ky., a male and female seminary, of which George S. Savage is Principal; and as it is desired to have a more comprehensive course of instruction, and to confer literary degrees upon those who shall complete the course: Therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George S. Savage, Principal, and Hon. Garrett Davis, John A. Miller, Esq., and Rev. Thomas S. Lee, and their successors appointed by the Principal, shall be a body corporate, by the name of the Principal and Board of Council of the Millersburg Male and Female Collegiate Institute.

Corporate name.

§ 2. That the Principal and Board of Instructors shall have power to determine the course of studies and discipline to be adopted in said institute: *Provided*, that it be so extensive as to confer upon young gentlemen and ladies an education corresponding to that given by the best institutions of the same order; and that the Principal and Board of Instructors shall conduct the examinations, and that the Principal, by and with the advice and consent of the Board of Instructors and Board of Council, who shall be required to attend the annual examinations, shall confer upon such young gentlemen and ladies as shall have completed the prescribed course and have passed a reputable public examination, the literary honors of the institute.

Powers and privileges.

§ 3. That there shall be a course of literature, science, and arts; and a more extended course, including classical literature taught in said institute and upon those who shall have pursued the former, the degree of bachelor or mistress of science, and upon those who shall have pursued the latter, the degree of bachelor or mistress of science and classical literature.

May confer literary honors and degrees.

1856.

§ 4. That should said institute, at any time pass from the hands of the present Principal, his successor shall have all the rights and privileges specified in this act.

Approved March 5, 1856.

CHAPTER 340.

AN ACT to incorporate the Cumberland river Coal and Lumber Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Corporate powers.

May appoint officers.

Business company of

Capital stock.

How stock may be subscribed.

§ 1. That Cyrenius Wait, John G. Lair, William M. Fox, John P. Bruce, J. E. Cosson, R. B. Wood, Jacob Hudson, John M. Parkins, Wm. Haney, J. Crawford, and such others as may take stock, and their associates and successors, who, a majority of whom, be, and they are hereby created a body politic and corporate, by the name and style of the Cumberland River Coal and Lumber Company, and by that name shall have perpetual succession, may contract and be contracted with, sue and be sued in all courts and places, have a common seal, and use and alter the same at pleasure, and also to ordain, establish, and put into execution any by-laws, rules and regulations, which they may deem proper from time to time for the management and government of the concerns of said company, not inconsistent with the constitution and laws of this State, or of the United States.

§ 2. That said company shall have power to appoint all necessary agents, or managers, whether members of said company or not, to manage and control the business of said company according to the rules and by-laws of said company when adopted by a majority thereof.

§ 3. That the business of said company shall be the mining, transporting, and selling of stone coal and other minerals, and the getting, transporting, and selling of lumber; and for that purpose they may purchase, hold, lease, or rent any lands, tenements, or hereditaments, mines, mineral, mining privileges or right of way, and sell or convey the same, and to do or perform any other act or acts, that may be necessary to effectuate the objects of this charter.

§ 4. That the capital stock of said company shall be one hundred thousand dollars.

§ 5. That the capital stock of said company shall be subscribed in shares of fifty dollars each, and may be paid in coal lands and other real or personal estate, necessary for the use of said company, and at such place as the agents, officers, or managers of the company and the owners may agree on. Certificates of which stock shall be issued to the stockholders, and the said stock shall be

regarded as personal property, and may be transferred on the books of said company in person or by attorney; but the company shall have a lien on said stock for any debt which may be owing it by the stockholders respectively.

1856.

Record of proceedings to be kept

§ 6. That said company shall cause a book to be kept, containing the proceedings of the company, the names of the stockholders, number of shares of each member, and such other matter as may be necessary to show the condition of the company—which book shall be subject at all times to the inspection of any member of said company; each member shall share the profits and be liable for the losses of said company to the extent of and in proportion to his capital stock owned in said company, according to its value.

§ 7. That the Legislature reserves the right to alter or repeal this charter at any time for a violation of any provision of this charter.

§ 8. That this act shall take effect from its passage.

Approved March 5, 1856.

CHAPTER 342.

AN ACT to amend an act incorporating the Jamestown Turnpike Company, approved March 1st, 1854,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the President and Directors of the Jamestown Turnpike Company are hereby authorized to re-open their books for the subscription of stock, and to continue the road from the city of Jamestown, on the nearest and most practicable route, to the corporation line of the city of Newport.

Approved March 5, 1856.

CHAPTER 343.

AN ACT to amend the charter of the Knob Lick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the third section of an act, entitled, an act to charter the Knob Lick Turnpike Road Company, be so amended as to allow the commissioners of said road to open books for the subscription of stock at any time within three years from the passage of this act; and all acts done and performed and subscription taken in said road by said commissioners, shall be as binding and effectual in law as if the same had been done and performed by

1856.

said commissioners at the time designated and provided for in the original act chartering said company.

§ 2. This act to take effect from its passage.

Approved March 5, 1856.

CHAPTER 344.

AN ACT to amend the charter of the Helena Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons with their wagons or other conveyances containing produce of the neighboring farms, shall be permitted to pass the toll-gate on the Helena turnpike road free of toll, when going no farther than the town of Helena. Wagons and farm implements needing repairs shall also pass the toll-gate on said road free of toll, when not going beyond the said town of Helena.

§ 2. That the provision in the charter of the Maysville and Mount Sterling Turnpike Road Company, preventing the erection of a toll-gate nearer than one mile to a town, is hereby repealed so far as said provision applies to the said Helena turnpike road.

§ 3. That this act shall take effect from its passage.

Approved March 5, 1856.

CHAPTER 345.

AN ACT to incorporate the Stoney Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Samuel Lyons, John Dye, Dr. J. H. S. DeCourcey, Wiley Bates, Henry Lethman, Stephen Losey, John C. Youtsey, and —— Telfer, with such others as shall associate with them for that purpose, are constituted a body politic and corporate, by the name of the Stoney Hill Turnpike Road Company, for the purpose of making a road from a point in the Newport and Alexandria turnpike about one hundred yards north of McHenry Eckheart's gate, by the way to Wiley Bates', Samuel Lyons' and John Dye's, to the most convenient point in the old State Road to the line between the land of John S. Youtsey and the poor house land.

§ 2. The capital stock of said company shall be fifteen thousand dollars, divided into shares of twenty dollars each, and books for the subscription of stock shall be opened by the above named persons, or a majority of them, at such times and places as they may deem fit, and may appoint commissioners for each place; and when

two thousand dollars of the capital stock is subscribed, the company may organize by the election of a President and five Directors.

§ 3. That the provisions of the charter of the Campbell County Turnpike Company, now in force, be and they are hereby adopted and made a part of this act.

Approved March 5, 1856.

1856.

CHAPTER 346.

AN ACT to incorporate the Paducah and Blandville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company shall be formed under the name and style of the Paducah and Blandville Turnpike Road Company, for the purpose of forming an artificial road from Paducah to Blandville or to Fort Jefferson in Ballard county, with stone, gravel, or plank.

Name and style.

§ 2. That the capital stock of said company shall be seventy thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 3. That books for the subscription of stock in said company shall be opened at such times and places as the commissioners herein appointed may deem advisable; and that James C. Calhoun, Robert O. Woolfolk, Eps. Allen, Charles A. Campbell, Henry Enders, G. Rabb, D. A. Given, and Henry Lewis, of McCracken county, and Jacob Corbett, Thos. T. Terrell, Thos. H. Corbett, Oscar Turner, C. P. Ray, E. K. Owsley, Z. Elliott, Wm. Reeves, Turner M. Horne, and James B. Quigley, of Ballard county, be appointed commissioners under this act. The commissioners shall procure at least one book for each county, and shall keep the subscriptions separate; they shall insert an obligation in each of said books, in substance as follows, to-wit: "We whose names are hereunto subscribed, severally promise to pay to the President, Directors, and company of the Paducah and Blandville Turnpike Road Company, the sum of fifty dollars for each and every share of stock in said company set opposite our respective names, in such manner and proportion, and at such times and places, as shall be by them required under the law incorporating said company. Witness our hands this — day of — 18—." The said commissioners shall give notice of the times and places of first opening said books, by written advertisement posted on the court house doors in Paducah and Blandville, and by publication in one or more newspapers published in the town of Paducah, at least ten days before the time of the first opening the same, and may keep the same open until

Books for the subscription of stock to be opened and by whom

Obligation.

To give notice of time and place of opening books.

1856.

all the stock is subscribed, or until the company is organized as hereinafter provided; and when the President and Directors of said company are elected and qualified, they may keep the said books open until the amount aforesaid is subscribed, or may close them sooner if they think proper.

When to commence.

§ 4. That as soon as there shall be subscribed on the books which may be opened in McCracken county, the sum of five thousand dollars, the President and Directors of said road may proceed to put under contract whatever amount of said road, commencing at Paducah, can be procured to be made for that sum. And whenever there shall be subscribed on the books of Ballard county, the like sum of five thousand dollars, the said President and Directors may proceed to put under contract whatever amount of said road, commencing at Blandville or at Fort Jefferson as they shall determine, as can be procured to be done for that sum. And said President and Directors may proceed, as subscriptions may be made to construct said road, expending in each county the money subscribed on the books of that county, until the road shall have been finished to the county line, and then the balance if any, extending towards the other section of the road.

When toll-gate may be erected.

§ 5. That whenever five miles of said road shall have been completed, the company may erect a toll gate, and charge and receive tolls; but no gate shall be erected within a half mile of Paducah or Blandville, or Fort Jefferson; and the company may, for every five miles which they may complete, erect a toll gate, and charge tolls, not exceeding the rates now fixed by law.

When meeting of stockholders to be called.

§ 6. That so soon as fifty shares of stock in said company shall be subscribed, the commissioners hereinbefore appointed shall call a meeting of the subscribers for stock in said company, at such time and place as a majority of them shall deem proper, after advertising by written advertisement at the court house doors aforesaid, or in said newspaper or papers, for at least ten days before the day, the time, place, and purpose of the meeting; and the stockholders shall by ballot or otherwise as to them may seem expedient, hold an election for six Directors of said company, who shall be chosen from among the stockholders, three of them to reside in McCracken and three to reside in Ballard county, and said Directors may elect a President out of the stockholders of the company, either one of their own number or not, as they may deem proper.

Powers of company.

§ 7. That said company when organized by the election of the officers aforesaid shall possess full power to cause the nearest and best route between Paducah and Blandville or between Paducah and Fort Jefferson to be surveyed; and shall possess full power to do all things ne-

1856.

May erect bridges.

cessary to be done to effect that purpose, and to construct and complete said turnpike, gravel, or plank road; and shall have and enjoy all the rights, privileges, and immunities, and be subject to all the duties, restrictions, and liabilities which are contained in an act, entitled, an act to incorporate the Lebanon, Newmarket, and Springfield Turnpike Road Company, approved February 18, 1848.

§ 8. They shall have power to erect any necessary bridge across any stream (and charge toll thereat, at the same rates that are charged on the Danville, Lexington, and Lancaster Turnpike Road.)

§ 9. The General Assembly reserves the right to alter, amend, or repeal this act at pleasure.

§ 10. This act to take effect from its passage.

Approved March 5, 1856.

CHAPTER 347.

AN ACT to incorporate the Barren County and Mammoth Cave Plank Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, under the name and style of the Barren County and Mammoth Cave Plank Road Company, for the purpose of constructing a plank road from Wilson Ritter's, on the Louisville and Nashville Railroad line, in Barren county, to Mammoth Cave.

§ 2. The capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it, to be divided into shares of fifty dollars each. Books for the subscription of stock may be opened at any time and place agreed on by the commissioners, to be under the direction of J. J. Burch, Wm. M. Wilson, Wm. S. Miller, William A. Bethel, and John S. Barlow, or any three of them.

§ 3. That so soon as three thousand dollars of the stock in said company shall be subscribed, the Directors shall have the power to call a meeting of the stockholders and they shall have the power to elect a President and three Directors, who shall have power to locate and finish said road or any part of it, and to erect one gate for every five miles of road they may make or finish of said road.

§ 4. That said corporation shall have all the powers and privileges that are now granted to the Hickman and State Line Plank Road Company, by an act approved March 3, 1854, not inconsistent with this charter.

Name and style.

Capital stock

Commissioners names.

When next meeting to be called and officers elected.

Corporate powers.

Approved March 5, 1856.

1856.

all the stock is subscribed, or until the company is organized as hereinafter provided; and when the President and Directors of said company are elected and qualified, they may keep the said books open until the amount aforesaid is subscribed, or may close them sooner if they think proper.

When to commence.

§ 4. That as soon as there shall be subscribed on the books which may be opened in McCracken county, the sum of five thousand dollars, the President and Directors of said road may proceed to put under contract whatever amount of said road, commencing at Paducah, can be procured to be made for that sum. And whenever there shall be subscribed on the books of Ballard county, the like sum of five thousand dollars, the said President and Directors may proceed to put under contract whatever amount of said road, commencing at Blandville or at Fort Jefferson as they shall determine, as can be procured to be done for that sum. And said President and Directors may proceed, as subscriptions may be made to construct said road, expending in each county the money subscribed on the books of that county, until the road shall have been finished to the county line, and then the balance if any, extending towards the other section of the road.

When toll-gate may be erected.

§ 5. That whenever five miles of said road shall have been completed, the company may erect a toll gate, and charge and receive tolls; but no gate shall be erected within a half mile of Paducah or Blandville, or Fort Jefferson; and the company may, for every five miles which they may complete, erect a toll gate, and charge tolls, not exceeding the rates now fixed by law.

When meeting of stock-holders to be called.

§ 6. That so soon as fifty shares of stock in said company shall be subscribed, the commissioners hereinbefore appointed shall call a meeting of the subscribers for stock in said company, at such time and place as a majority of them shall deem proper, after advertising by written advertisement at the court house doors aforesaid, or in said newspaper or papers, for at least ten days before the day, the time, place, and purpose of the meeting; and the stockholders shall by ballot or otherwise as to them may seem expedient, hold an election for six Directors of said company, who shall be chosen from among the stockholders, three of them to reside in McCracken and three to reside in Ballard county, and said Directors may elect a President out of the stockholders of the company, either one of their own number or not, as they may deem proper.

Powers of company.

§ 7. That said company when organized by the election of the officers aforesaid shall possess full power to cause the nearest and best route between Paducah and Blandville or between Paducah and Fort Jefferson to be surveyed; and shall possess full power to do all things ne-

cessary to be done to effect that purpose, and to construct and complete said turnpike, gravel, or plank road; and shall have and enjoy all the rights, privileges, and immunities, and be subject to all the duties, restrictions, and liabilities which are contained in an act, entitled, an act to incorporate the Lebanon, Newmarket, and Springfield Turnpike Road Company, approved February 18, 1848.

§ 8. They shall have power to erect any necessary bridge across any stream (and charge toll thereat, at the same rates that are charged on the Danville, Lexington, and Lancaster Turnpike Road.)

§ 9. The General Assembly reserves the right to alter, amend, or repeal this act at pleasure.

§ 10. This act to take effect from its passage.

1856.

May erect
bridges.

Approved March 5, 1856.

CHAPTER 347.

AN ACT to incorporate the Barren County and Mammoth Cave Plank Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby incorporated, under the name and style of the Barren County and Mammoth Cave Plank Road Company, for the purpose of constructing a plank road from Wilson Ritter's, on the Louisville and Nashville Railroad line, in Barren county, to Mammoth Cave.

Name and
style.

§ 2. The capital stock of said company shall be twenty thousand dollars, with the privilege of increasing it, to be divided into shares of fifty dollars each. Books for the subscription of stock may be opened at any time and place agreed on by the commissioners, to be under the direction of J. J. Burch, Wm. M. Wilson, Wm. S. Miller, William A. Bethel, and John S. Barlow, or any three of them.

Capital stock

Commission-
ers names.

§ 3. That so soon as three thousand dollars of the stock in said company shall be subscribed, the Directors shall have the power to call a meeting of the stockholders and they shall have the power to elect a President and three Directors, who shall have power to locate and finish said road or any part of it, and to erect one gate for every five miles of road they may make or finish of said road.

When next
meeting to be
called and offi-
cers elected.

§ 4. That said corporation shall have all the powers and privileges that are now granted to the Hickman and State Line Plank Road Company, by an act approved March 3, 1854, not inconsistent with this charter.

Corporate
powers.

Approved March 5, 1856.

1856.

CHAPTER 348.

AN ACT to amend an act, entitled, an act to incorporate the Hickman and State Line Plank Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the proviso contained in the latter clause of section seventeen of an act, entitled, an act to incorporate the Hickman and State Line Plank Road Company, approved March 3, 1854, authorizing any road constructed from the east end of the city of Hickman to form a connection with said road, be and the same is hereby repealed.

Approved March 5, 1856.

CHAPTER 349.

AN ACT to incorporate the Deposit Bank of Lebanon.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company
formed, and
capital stock.

Body politic
and corporate
powers.

§ 1. That there is hereby established the Deposit Bank of Lebanon, with a capital of one hundred thousand dollars, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified, which subscribers and shareholders, their successors and assigns, are hereby created a body politic and corporate, by the name and style aforesaid, and shall so continue a body politic and corporate until the first day of June, 1890, and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts and places, and in all matters whatever as natural persons, with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of all such real estate, goods, effects, and chattels as shall be convenient for the transaction of its business, (provided the value thereof shall not exceed ten thousand dollars,) or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt, or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien; and said institution may have and use a common seal, change, alter, and renew the same at pleasure, and may ordain and put in execution such by-laws, rules, and regulations for the government of the same as may be deemed necessary: *Provided*, They be not contrary to the constitution and laws of this State or of the United States.

§ 2. That the business of the institution shall be to re-

ceive money on deposit, upon which it shall pay an interest to the depositor of not more than six per cent., nor less than two per cent. per annum, as it may choose, dependent upon the length of time for which said deposit may be made; to loan money, discount promissory notes and bills of exchange. The promissory notes made payable to any person or persons, or order, or payable to this institution, or order, and negotiable and payable at their banking house, or at any bank or office of discount and deposit, or branch of any bank, and indorsed to and discounted by said institution, shall be and they are hereby put upon the same footing as foreign bills of exchange, and remedy may be had jointly and severally against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration, they shall have no other or greater dignity or priority of payment than other notes; and the said institution shall not directly or indirectly deal or trade in any thing except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattles, rights, and credits really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its lands.

§ 3. This institution shall not any time owe, either by bond, bill, note, or other contract, an amount exceeding twice the amount of capital stock actually paid in, exclusive of sums due on deposit; and in cases of excess the President and Directors under whose administration it shall have taken place shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them or any of them, their heirs, executors, or administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, That if the President or any of the Directors may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section, if he or they shall, within ten days from the creation of such excess or dissent thereof, make affidavit of their absence or dissent, and file the same for record with the recording officer of the city or county; and moreover within ten days give notice thereof in some newspaper printed in Lebanon, and transmit a copy thereof to the Governor of this State; and shall in said notice call a meeting of the shareholders, which they are hereby authorized to do.

§ 4. Said institution shall not at any time fail or refuse to pay its deposits in gold or silver, or currency of the like kind and value of that deposited; and in case the officers,

1856.
Business of
institution.

Not to contract debt exceeding twice the amount of capital paid in.

Shall not fail or refuse to pay its deposits in gold or silver.

1856.

in the usual business hours, at their banking house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution shall be liable to pay damages at the rate of twelve per cent. per annum on the amount thereof, from the time of such failure, refusal, or delay, until payment thereof; and for such failure or refusal, or for any violation of this charter, the same shall be forfeited, and a *scire facias* shall be sued out in the name of the Commonwealth, by the Attorney General and such proceedings be had as to declare such forfeiture by the judgment of a court; and from and after the judgment of forfeiture, said corporation shall cease to exercise any of the powers and privileges hereby granted: *Provided*, said forfeiture shall not be construed to prevent said institution from suing and being sued, and continuing its operations for the purpose of closing its concerns, nor from making any contract that may be convenient and proper for that purpose.

To be under direction and control of five directors.

Term of office.

Elections, how conducted.

Who eligible as director.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of the said institution shall be under the direction and control of five directors who shall be stockholders, and after the first election shall have been stockholders at least three months previous to their election; they shall be residents of this State, and citizens of the United States, and after their first election they shall be elected annually on the first Monday in May. Each director shall be a stockholder in his own right. They shall hold their offices for one year and until their successors shall be chosen. All elections after the first shall be conducted by two, at least, of the stockholders, acting under oath, appointed by the Directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public, after they are taken. No Director or officer of any bank shall be eligible as a Director in this institution; and any Director becoming a Director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a Director in a bank be eligible as Directors in this institution at one and the same time. And if the President or any Director or officer of the institution shall fail or become insolvent, after his election or appointment, he shall become incapable to serve, and shall be held to have vacated his place; nor shall he be appointed to serve in this institution until his debts are paid, or until he obtains a full discharge from the same; nor shall any one who has ever failed in business, be eligible to the office of President, Director, or other officer, until all his debts are

paid, or he be fully discharged therefrom. If from any cause an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday in June following; and said election shall be conducted as required in the regular election.

§ 6. That at all meetings of the stockholders, and at all elections under this charter, each shareholder shall be entitled to one vote for every share held in his own right up to ten; one vote for every five shares over ten, up to fifty; and one vote for every ten shares over fifty. After the first election, no share shall entitle the holder to a vote unless the same has been held by the person claiming to vote at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy, such proxy being granted to a stockholder who is not either President, Director, or other officer in the same; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

§ 7. That the Directors shall elect one of their own number as President, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the Directors shall elect a President *pro tem.* They shall fill all vacancies which may occur in their own body, and appoint such officers, clerks, and servants as deemed expedient, fix their compensation, define their powers, and prescribe their duties, and shall require of them such bonds, penalties, and securities as deemed requisite for the security of the institution—which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss; and all such officers shall hold their places during the pleasure of the Board.

§ 8. The President and Directors, any three of whom may constitute a quorum for the transaction of business, may from time to time make such by-laws, rules, and regulations for the government of the institution as deemed expedient, not contrary to the provisions of this charter or the by-laws and rules which the stockholders at their annual or other meetings may from time to time prescribe: *Provided,* That for that purpose a concurrence of a majority of all the Directors shall be necessary.

§ 9. The President and Directors shall hold stated meetings at least once a week; and called meetings may be had whenever deemed necessary. All questions before the Board shall be taken *viva voce;* and the yeas and nays on any proposition submitted shall be entered of record at the request of any two members; and no vote shall be reconsidered when a less number is present than when the vote was given.

1856.

Should elec-
tion not be held
on day fixed by
charter, duty of
board to give
notice when it
will be held.

Stock, how vo-
ted.

President to
be elected.

Fill vacancies
and appoint of-
ficers.

May make by-
laws.

To hold stated
meetings.

1856.

To pay tax to State.Cash and cash account to be examined.Officers not to engage in other business.Penalty if officers appropriate funds to their own use.Record to be kept.To transmit statement to the Secretary of State.

§ 10. It shall be the duty of the President, on the first day of July, 1857, and on the first day of July in each succeeding year, to pay to the Treasurer of this State twenty-five cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all tax or bonus: *Provided*, That the Legislature may increase or diminish the same, but at no time shall the tax exceed fifty cents on each one hundred dollars of stock paid for in said institution.

§ 11. That it shall be the duty of the President and Directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash accounts of the institution; and a full and complete statement shall be made out and entered on the journal of the proceedings of the Board.

§ 12. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the President and Directors; nor shall any of them, either directly or indirectly, become indebted to the same, either as borrower, indorser, surety, or otherwise.

§ 13. That if the cashier, clerks, teller, agent, or other officer shall, without the authority of the President and Directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall wilfully fail to make correct entries on the books of the institution, with intent to cheat or defraud the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail and penitentiary of this State for a period of not less than two nor more than twenty years.

§ 14. The President and Directors shall keep a record of their proceedings, which they shall produce to the stockholders when by them demanded at any regular meeting; and they shall be open for inspection by the Governor, or by any person duly authorized by him, or to any committee appointed by the Legislature.

§ 15. It shall be the duty of the President and Directors, during the first week of each session of the Legislature, to transmit to the Secretary of State an accurate and just statement of the condition of the institution; which statement shall specify the amount of stock actually paid in, the amount not paid in, and the value of the real estate belonging thereto, and its cost; the total amount of debts due to and from the institution; the amount of gold and silver and other coined metal and bullion on hand; the amount deposited; the amount of bills of banks, the

amount of notes and bills of exchange due the same; the rate and amount profits, or contingent fund, which statement the Governor shall cause to be laid before the Legislature; and they shall, when required by the Legislature, report all bad and doubtful debts.

§ 16. The President, Cashier, and other officers, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer, faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules, and regulations of the corporation.

§ 17. This institution shall not contract for or receive a greater rate of interest than at the rate of six per centum per annum, for the loan or use of money; and interest on promissory notes negotiable and payable at the same, and there discounted, shall be calculated on the true time such notes have to run, including three days of grace, and shall be paid in advance, and on banking principles, in conformity with Rowlett's tables of discount and interest.

§ 18. The President and Directors shall issue certificates of stock to the holders thereof, for so much as shall be paid for; and the shares of the capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the President and Directors shall by their by-laws prescribe. Certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable when made payable to order.

§ 19. The general meeting of the stockholders shall be held annually, on the first Monday in May in each year, in the town of Lebanon, at the time of the annual election; to which meeting the President and Directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called as provided in this charter, or by the President and Directors when they deem it desirable, or by any number of stockholders the by-laws shall require.

§ 20. The Legislature shall have the right to investigate the situation and affairs of said institution, by any committee they may appoint for that purpose; and the Franklin Circuit Court shall have jurisdiction to try the forfeiture of this charter, for the violation of any of the provisions of the same. The proceedings shall be by *scire facias*, alleging and specifying the acts of forfeiture relied on, and shall only be sued out at the instance of the Attorney General, when directed to do so by the Legislature, or Governor for the time being.

§ 21. That D. W. Phillips, L. A. Spalding, Foster Ray,

1856.

Officers to take oath.

Rate of interest.

Certificates of stock to issue.

When general meeting to be held.

Legislature may investigate institution.

1856.

Commissioners to open books.Books when to be opened.If stock not all taken books may be re-opened.When first Board of Directors may be elected.How stock to be paid.

Joseph M. Bowman, R. H. Rountree, John Shuck, Benedict Spalding, Sr., John W. Chandler, Henry McElroy, and N. S. Ray, are hereby constituted commissioners to open books and receive subscriptions for the capital stock of said institution, and to superintend the election of the first Board of Directors—any three of whom shall be competent to exercise the powers and perform the duties required by this section.

§ 22. The said commissioners shall have power, and they are authorized and required, on the second Monday in April next, or at such other time within two years thereafter as they shall deem expedient, having given not less than thirty days notice thereof, in some newspaper printed in Lebanon, to open books for the subscription of the capital stock of said institution, at Lebanon and such other places as they may deem advisable, and cause said books to be kept open, from ten o'clock A. M., until two o'clock P. M., for at least ten days, or until at least five hundred shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess from the largest subscription, in such manner that no subscription shall be reduced and leave the subscription of another larger.

§ 23. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the President and Directors may cause the books to be opened at any time and place they may direct—giving thirty days notice thereof in some newspaper—and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken. And the President and Directors may require such premium on the stock sold at the reopening of the books as they shall deem right; and such premium shall be the property of the institution.

§ 24. That when not less than five hundred shares of the capital stock shall have been taken, and the commissioners shall have closed the books, it shall be their duty to give notice in some newspaper, and appoint a day in Lebanon for the election of the first Board of Directors, who shall hold their offices until the succeeding annual election; and not less than thirty nor more than sixty days notice shall be given of the time and place of electing said board; and at least three of said commissioners shall act as inspectors of said election, and shall take the proper oath, and perform all the duties of inspectors of elections in like cases.

§ 25. That the payment of the shares of the capital stock held by individuals, companies, and corporations shall be made in gold and silver, or notes of either of the solvent

banks or branch banks in this State, and at the times and in the manner following, viz: five dollars on each share to the commissioners at the time of subscribing, and five dollars on each share within ten days after the election of the first Board of Directors, and five dollars every sixty days thereafter, until the whole amount of said stock is paid: *Provided*, that the board shall have power to prolong the time for the payment of each installment, after one half of the amount of each share shall have been paid.

1856.

§ 26. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock, as herein provided, the President and Directors, first giving public notice in two or more newspapers, for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to resell the same; and all partial payments made on any stock which shall be forfeited; shall be held for the benefit of the institution.

If stock not paid may be forfeited.

§ 27. That so soon as five thousand dollars of the capital stock shall have been paid in, by individuals, companies, or corporations, as heretofore required, the President and Directors shall cause the Governor to be notified thereof, who is hereby authorized to appoint some suitable person to count the money so paid in, and to take the oath of the President and at least two of the Directors that the same has been paid in as capital stock *bona fide*, and make due return thereof to him; and on such appearing to be the fact, the Governor is authorized to issue his proclamation that the amount hereby required to be paid in, and in the funds herein required, has been done, and the said institution is then hereby authorized to commence operations.

When bank may commence operations.

§ 28. That it shall not be lawful for the President or any of the directors to become bound as security or accommodation indorser on any note or bill discounted in said institution; and a violation of the provisions of this section shall subject the person violating the same to a penalty of one thousand dollars to be recovered by action of debt in the name of the corporation for its own use and benefit.

President, &c. not to become bound as security.

§ 29. That said institution shall not make any loan of money or discount any note or bill in any case whatever for the purpose of enabling any individual to make payment for its own stock; and no stockholder shall be allowed to pay any debt he may owe the same by the surrender of stock; and stockholders who shall become indebted to the institution shall be compelled to pay their debts in all respects as other persons dealing with the same; nor shall any stockholder be allowed to make pay-

Not to discount note to enable person to pay calls on stock.

1856.

Real estate acquired by institution to be sold within five years after title is perfected.

Not to issue any note to pass as a circulating medium.

ment of the shares of stock held by him or them by means of loan or loans obtained from the institution.

§ 30. That the real estate purchased by this institution, or the legal title of which shall be acquired in any way, except such as may be held for the purposes mentioned in the first section of this act, shall be sold within five years after it shall have perfected its title thereto ; and on their failure to comply without reasonable cause with the provisions of this section, the same shall vest in the Commonwealth.

§ 31. That it shall not be lawful for said institution to issue any note or bill to be passed and used as currency, and if it shall so presume to do, the charter shall be forfeited, as provided in the fourth section of this act.

§ 32. The Legislature reserves the right to alter, amend, or repeal this act at pleasure, but the amendment or repeal shall not affect vested rights.

§ 33. This act shall take effect from its passage.

Approved March 5, 1856.

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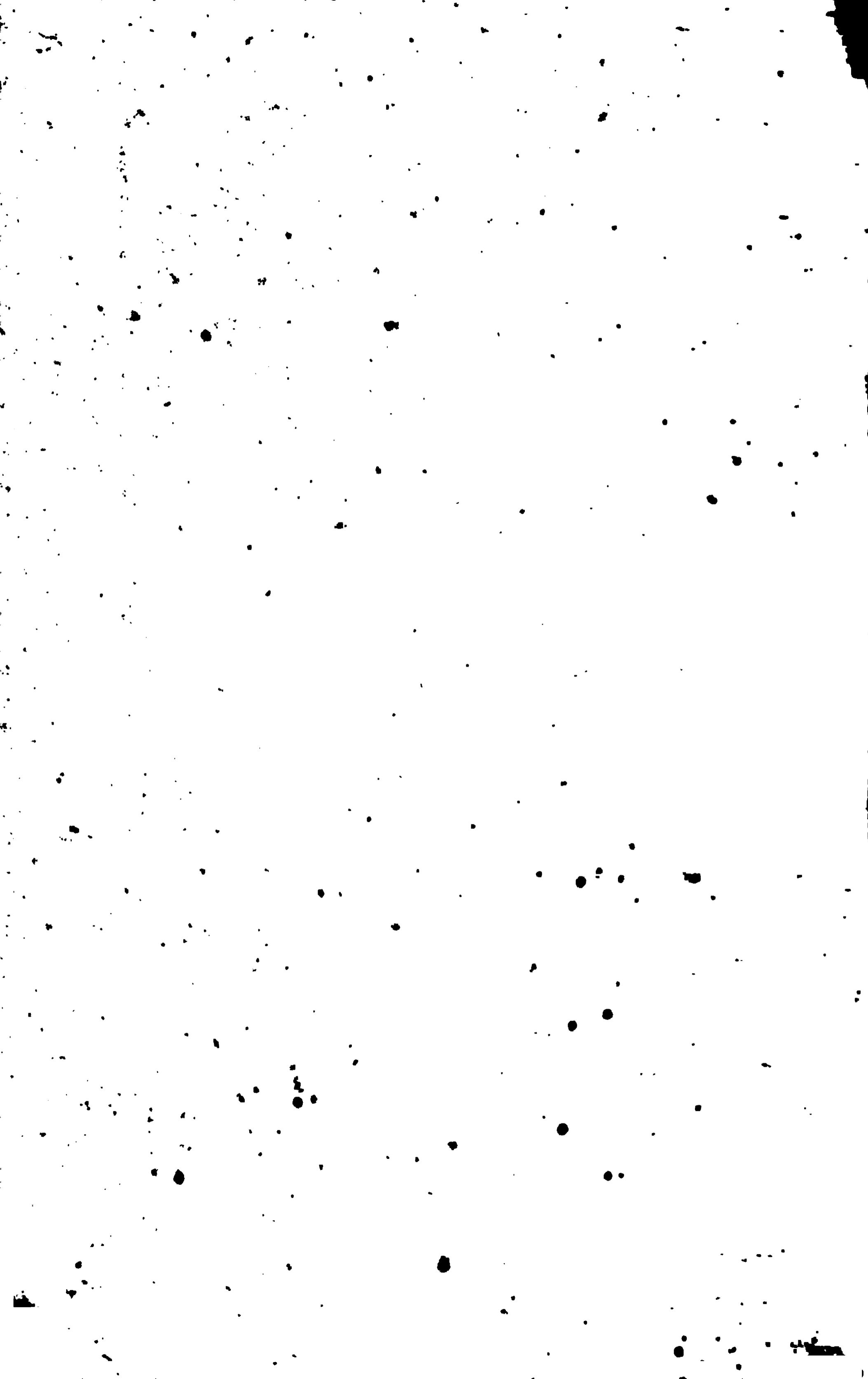
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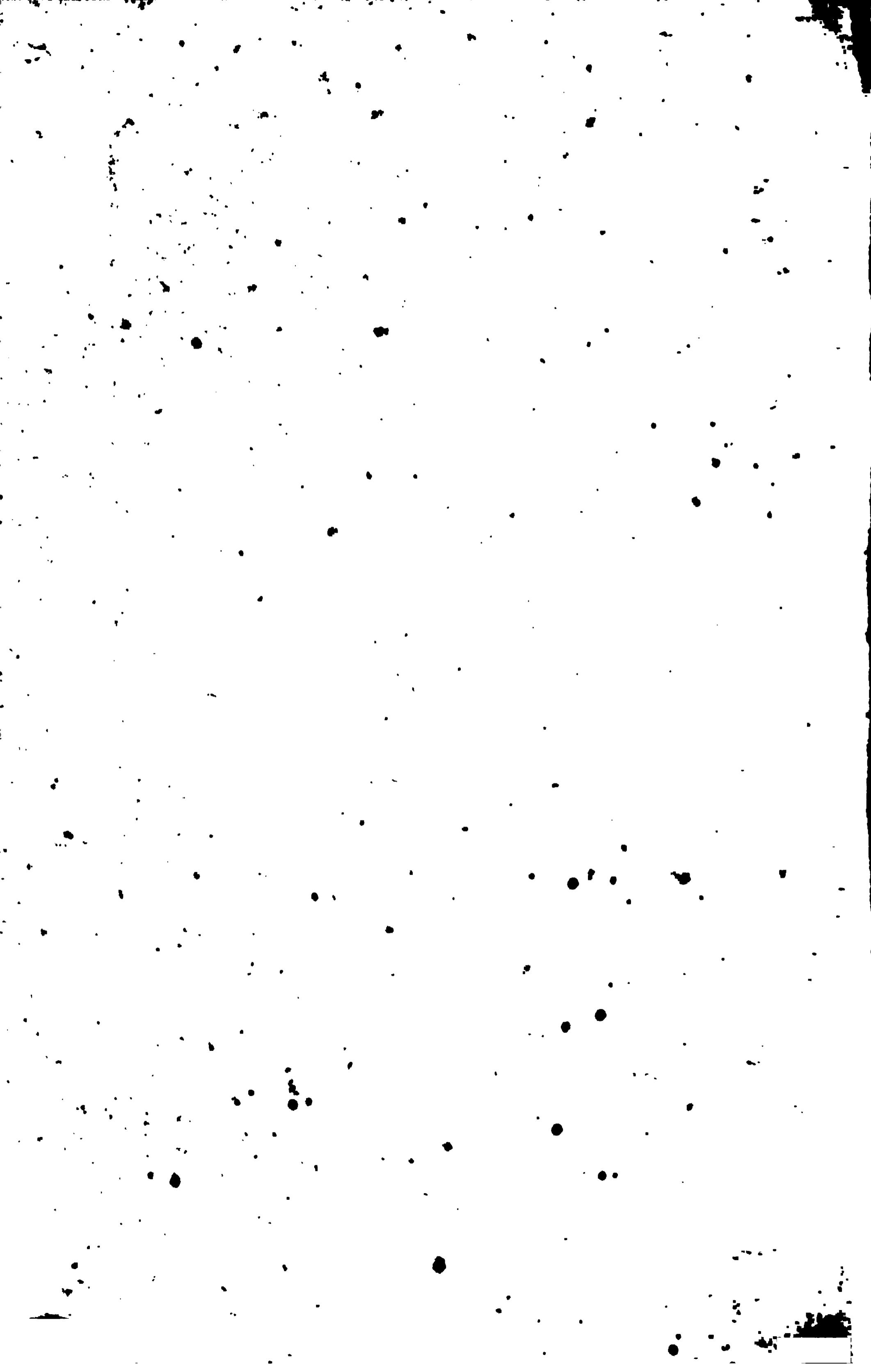




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